

HR 1047

Miscellaneous Trade and Technical Corrections Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Foreign Trade and International Finance

Introduced: Mar 4, 2003

Current Status: Became Public Law No: 108-429.

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Law: 108-429 (Enacted Dec 3, 2004)

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Sponsor

Name: Rep. Crane, Philip M. [R-IL-8]

Party: Republican • **State:** IL • **Chamber:** House

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Ways and Means Committee	House	Referred To	Mar 4, 2003

Subjects & Policy Tags

Policy Area:

Foreign Trade and International Finance

Related Bills

Bill	Relationship	Last Action
108 S 671	Related document	Mar 4, 2004: See also H. R. 1047.

(This measure has not been amended since the Conference Report was filed in the House on October 8, 2004. The summary of that version is repeated here.)

Miscellaneous Trade and Technical Corrections Act of 2004 - **Title I: Tariff Provisions** - (Sec. 1101) Amends the Harmonized Tariff Schedule of the United States to strike certain expired provisions.

Subtitle A: Temporary Duty Suspensions and Reductions - Chapter 1: New Duty Suspensions and Reductions - (Sec. 1111) Provides for temporary duty suspensions and reductions through December 31, 2005, or December 31, 2006, in some cases, for certain: (1) chemicals and dyes; (2) plastics; (3) helium; (4) acrylic fiber tow; (5) compound metals; (6) cases for certain children's products; (7) children's products; (8) optical instruments used in children's products; (9) epoxy molding compounds; (10) textile machinery; (11) filament yarns; (12) pesticides and herbicides; (13) refracting and reflecting telescopes; (14) rubber riding boots; (15) a specified ink; (16) sawing machines; (17) manufacturing equipment; (18) thermal release plastic film; (19) silver paints and pastes; (20) polymer masking material for aluminum capacitors; (21) necks used in cathode ray tubes; (22) combed cashmere and camel hair yarn; (23) carded cashmere yarn; (24) rayon filament yarns; (25) tire cord fabric; (26) carbon dioxide cartridges; (27) high-performance loudspeakers; (28) 12-volt batteries; (29) prepared or preserved artichokes; (30) low expansion laboratory glass; (31) stoppers, lids, and other closures; (32) railway car body shells for electric multiple units (EMUs); (33) railway passenger coaches; (34) railway EMU gallery commuter coaches of stainless steel; (35) snowboard boots; (36) hand-held radio scanners; (37) mobile and base radio scanners; (38) fine animal hair of Kashmir (cashmere) goats; (39) R-core transformers; (40) decorative plates; (41) night vision monoculars; (42) satellite radio broadcasting apparatus; (43) acephate (a chemical); (44) bags for certain toys; (45) educational devices; and (46) certain footwear.

Chapter 2: Existing Duty Suspensions and Reductions - (Sec. 1451) Extends the existing suspension of duty through December 31, 2006, for: (1) certain chemicals and dyes; (2) certain cathode-ray tubes; (3) pesticides; (4) a specified fungicide; and (5) a certain plastic.

Grants duty-free treatment through December 31, 2006, to: (1) certain cathode-ray tubes; (2) ethalfuralin (a chemical); and (3) trifluralin (a chemical). Extends the suspension of duty through December 31, 2006, for: (1) certain polyamides; and (2) DMDS (a chemical). Reduces the duty on 2-methyl-4-chlorophenoxyacetic acid through December 31, 2006. Provides a duty through December 31, 2006, for Starane F (a chemical).

Increases the passenger capacity for certain railway cars, and decreases it for specified other railway cars. Extends their suspension of duty through December 31, 2006.

(Sec. 1452) Extends the suspension of duty through December 31, 2006 for the following chemicals: (1) pigment yellow 154; (2) pigment yellow 175; (3) pigment red 208; (4) pigment red 187; and (5) pigment red 185.

Subtitle B: Other Tariff Provisions - Chapter 1: Liquidation or Reliquidation of Certain Entries - (Sec. 1501) Directs the U.S. Customs Service to liquidate or reliquidate (refund duties on) a certain entry of two tramway cars manufactured in Plzen, Czech Republic, for the use of the city of Portland, Oregon.

(Sec. 1502) Directs the Secretary of the Treasury to admit free of duty into the United States a replica of the Liberty Bell imported from the Whitechapel Bell Foundry of London, England, by the Liberty Memorial Association of Green Bay and Brown County, Wisconsin, for use by the city of Green Bay, Wisconsin, and Brown County, Wisconsin.

(Sec. 1503) Directs the U.S. Customs Service to reliquidate certain entries of cotton gloves and posters, refunding any amounts owed as a result of such reliquidation.

(Sec. 1505) Directs the U.S. Customs Service to liquidate or reliquidate specified entries of certain posters entered in 1999 and 2000, and refund excess duties or relieve the importer of record of any excess duties, penalties, or associated fines.

(Sec. 1506) Directs the U.S. Customs Service to liquidate or reliquidate specified entries of 13-inch televisions, and neoprene synchronous timing belts and pay amounts owed.

(Sec. 1508) Directs the U.S. Customs Service to liquidate or reliquidate specified entries of roller chain without assessment of antidumping duties or interest and refund any such duties or interest which were previously paid.

(Sec. 1509) Directs the U.S. Customs Service to liquidate or reliquidate specified entries of juices, steel wire rope, and tomato sauce preparations, and pay amounts owed.

(Sec. 1511) Requires the U.S. Customs Service to reliquidate certain entries prematurely liquidated and to refund any amounts owed.

(Sec. 1512) Directs the U.S. Customs Service to liquidate or reliquidate certain entries of posters entered in 2000 and 2001, and pay amounts owed.

(Sec. 1513) Directs the U.S. Customs Service to liquidate or reliquidate certain entries filed at the ports of Laredo and Hidalgo, Texas, and Wilmington, Delaware, and pay amounts owed to the United States.

(Sec. 1514) Directs the U.S. Customs Service to liquidate or reliquidate certain railway passenger coaches entered on July 12, 2002, and pay amounts owed.

(Sec. 1515) Directs the U.S. Customs Service to liquidate or reliquidate certain entries of vanadium carbides and vanadium carbonitrid and pay amounts owed.

Chapter 2: Miscellaneous Provisions - (Sec. 1551) Amends the Harmonized Tariff Schedule of the United States to provide duty-free treatment for hair clippers to be used for agricultural or horticultural purposes (including parts of hair clippers).

(Sec. 1552) Provides duty-free treatment for certain tractor parts suitable for agricultural use, and for flexible magnets and composite goods containing flexible magnets.

(Sec. 1554) Amends the Tariff Act of 1930 and the Harmonized Tariff Schedule of the United States to declare that the duty imposed on vessels (equipment) purchased, or the repair of such vessels, in a foreign country and documented under U.S. laws to engage in the foreign or coasting trade shall not apply to the cost of such equipment, repair parts, and materials that are installed on such vessel, if the installation is done by members of the regular vessel crew while on the high seas.

(Sec. 1555) Amends the Trade Act of 1974 to provide duty-free treatment under the Generalized System of Preferences for certain hand-knotted or hand-woven carpets.

(Sec. 1556) Amends the Tariff Act of 1930 to allow a drawback (refund) of duties on certain articles imported into the United States and later shipped to the U.S. Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman

Reef, Guam, Canton Island, Enderbury Island, Johnston Island, or Palmyra Island.

(Sec. 1557) Extends to unused merchandise merely entered into United States and, within a specified time period, later exported or destroyed the mandatory drawback (refund) of duties paid on unused merchandise that is imported and then exported or destroyed.

(Sec. 1558) Amends the Caribbean Basin Economic Recovery Act to limit to specified footwear the import-sensitive exclusion of footwear from duty.

Provides duty-free treatment for certain footwear that: (1) is the growth, product, manufacture of a Caribbean Basin Trade Partnership Act (CBTPA) beneficiary country; and (2) meets certain other requirements.

(Sec. 1559) Amends the Tariff Suspension and Trade Act of 2000 to extend for an additional four years the designation of the San Antonio International Airport in San Antonio, Texas, as an airport at which certain private aircraft arriving in the United States from a foreign area may land for processing by the U.S. Customs Service.

(Sec. 1560) Directs the Commissioner of the Customs Service to seek to establish Integrated Border Inspection Areas (IBIAs) on either side of the United States-Canada border in which U.S. Customs officers can inspect vehicles before they enter the United States from Canada, or Canadian customs officers can inspect vehicles before they enter Canada from the United States. Sets forth certain program elements, including to: (1) locate IBIAs in an area with bridges or tunnels with high traffic volume, significant commercial activity, and a history of backups and delays since September 11, 2001; and (2) ensure that U.S. Customs officers stationed in any IBIA on the Canadian side of the border are vested with the maximum authority to carry out their duties and enforce U.S. law, and possess the same immunity they would possess if stationed in the United States. Requires the Commissioner to encourage the appropriate U.S. officials to enter into an agreement with Canada permitting Canadian Customs officers stationed in any IBIA on the United States side of the border to enjoy such immunities as permitted in Canada.

(Sec. 1561) Amends the Tariff Act of 1930 to provide the Secretary of the Treasury the authority to designate foreign law enforcement officers as officers of the U.S. Customs Service. Authorizes the Secretary to station U.S. customs officers in foreign countries to inspect persons and merchandise subsequent to their exit from the United States.

Authorizes the stationing in the United States of agriculture inspection officials of a foreign country (if similar privileges are extended by that country to U.S. officials) to insure that persons and merchandise going directly to that country from the United States, or that have gone directly from that country to the United States, comply with the customs and other laws of such country governing the importation or exportation of merchandise. Authorizes foreign inspection officials stationed in the United States to exercise such functions, perform such duties, and enjoy such privileges and immunities as U.S. officials are authorized to perform in that foreign country by treaty, agreement, or law.

(Sec. 1562) Amends the Harmonized Tariff Schedule of the United States to extend through 2015 the Production Incentive Certificate program (PIC), which reimburses watch and jewelry producers in the U.S. Virgin Islands, Guam, and American Samoa ("insular possessions") for import duties. Includes fringe benefits (customary health insurance, life insurance, and pension) in determining verified creditable wages, which are used for calculations to determine refund totals.

Includes in the reimbursement to producers of watches in the insular possessions, the difference between the amount

that would have been due on a producer's non-digital watches during the preceding year under duty rates existing on January 1, 2001, and the amount due under the actual duty rates of that preceding calendar year.

Increases the unit per producer limit for jewelry products of the insular possessions, while retaining the overall unit and dollar value limits for the PIC program.

Revises certain requirements for duty-free treatment of articles of jewelry as products of the insular possessions. Requires treatment as such a product if the article of jewelry is: (1) assembled in an insular possession by a jewelry manufacturer or jewelry assembler that commenced manufacturing or assembly in such territory after August 9, 2001; and (2) entered into the United States within 18 months after the manufacturer or assembler commenced operations.

(Sec. 1563) Amends the Tariff Act of 1930 to revise provisions requiring a refund of duties (drawback) on articles or merchandise which has been exported or destroyed under the supervision of the Customs Service within three years after importation or withdrawal, and which, among other things, is ultimately sold at retail by the importer, or the person who received the merchandise from the importer under a certificate of delivery, and for any reason returned to and accepted by the importer or the person who received the merchandise from the importer under a certificate of delivery. Authorizes a drawback to be claimed by designating any entry of such merchandise that was imported within one year before its exportation or destruction. Prohibits the allowance of a drawback unless the completed article is exported or destroyed under the supervision of the Customs Service within five years after its importation.

Sets forth drawback requirements with regard to: (1) use of domestic merchandise acquired in exchange for imported merchandise of same kind and quality; (2) packaging material; and (3) liquidation of entries.

Amends requirements for regulations implementing civil penalties for false drawback claims to require such regulations to treat a repeat negligent violation involving the same issue as a repetitive violation for a maximum period of three years.

Subtitle C: Effective Date - (Sec. 1571) Sets forth the effective date for amendments made by this title.

Title II: Other Trade Provisions - Subtitle A: Miscellaneous Provisions - (Sec. 2001) Authorizes the President to extend nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

(Sec. 2001) Amends the Internal Revenue Code with respect to the cellar treatment of domestic and imported natural wine.

(Sec. 2003) Sets forth the applicable rate of duty for certain currently excluded non-import-sensitive articles (handbags, luggage, flat goods, work gloves, and leather wearing apparel) imported into the United States from Andean Trade Promotion and Drug Eradication Act (ATPDEA) beneficiary countries (Bolivia, Ecuador, Colombia, and Peru) until such time as the President proclaims duty-free treatment for such articles pursuant to specified requirements having been met.

Requires such entries to be liquidated or reliquidated as if the reduced duty preferential treatment applied, and the Secretary of the Treasury to refund any excess duties paid with respect to such entries.

(Sec. 2004) Amends the Trade Act of 2002 to revise certain reporting requirements to direct the Comptroller General to study and report to specified congressional committees on the extent to which the amount of certain imposed customs

user fees approximates (currently, is commensurate with) the cost of services provided by the Customs Service.

Changes from June 1 to July 1, both in 2005 and 2007, the dates before which the President is authorized to enter into certain trade agreements.

Amends the Caribbean Basin Economic Recovery Act (CBERA) to revise certain requirements with respect to the duty-free treatment of certain apparel articles that are imported into the United States from CBTPA beneficiary countries.

Amends the Tariff Act of 1930 to revise requirements for deposit of estimated duties and fees to: (1) increase the deadline from ten to 12 working days at the time of entry by which an importer of record shall deposit, under specified conditions, estimated duties and fees with the Customs Service to be payable on entry or release of merchandise; and (2) require the Secretary of the Treasury to promulgate regulations permitting a participating importer of record to deposit estimated duties and fees for entries of merchandise, other than merchandise entered for warehouse, transportation, or under bond, by 15 working days following the month in which the merchandise is entered or released, whichever comes first.

Amends the Andean Trade Preference Act (ATPA) with respect to U.S. vessels whose harvested tuna (prepared or preserved in a certain way in an Andean Trade Promotion and Drug Eradication Act (ATPDEA) beneficiary country) may enter the United States free of duty and free of any quantitative restrictions. Treats as a U.S. vessel, in addition to those with fishery endorsements on their certificates of documentation, any vessel without a fishery endorsement which is documented under U.S. laws and licensed under the South Pacific Tuna Act of 1988.

Amends the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) to require reimbursement of the 0.21 ad valorem customs user fee for merchandise formally entered at an express consignment carrier facility or centralized hub facility.

Directs the U.S. Customs Service to liquidate or reliquidate as free of duty and free of any quantitative restrictions, limitations, or consultation levels certain entries of apparel articles, other than certain socks, that meet CBERA requirements and to pay amounts owed.

Amends the Textile Fiber Products Identification Act to require that certain socks, with exceptions, provided for in the Harmonized Tariff Schedule of the United States shall be marked as legibly, indelibly, and permanently as the nature of the article or package will permit in such a manner as to indicate to the ultimate U.S. consumer the English name of the country of origin of the article.

Amends the Trade Act of 1974 to allow, in the President's discretion, the Advisory Committee for Trade Policy and Negotiations and general policy, sectoral, or functional advisory committees to terminate within the expiration of the four-year period beginning on the date of their establishment.

Amends the AGOA Acceleration Act of 2004 to require the Secretary of the Treasury, under specified conditions, to liquidate or reliquidate as free of duty and free of any quantitative restrictions, limitations, or consultative levels any entries of apparel (currently, knit-to-shape apparel) and specified components meeting the African Growth and Opportunity Act (AGOA) requirements, retroactive to October 1, 2000.

Amends AGOA to provide that for the one-year period beginning October 1, 2004: (1) the term "lesser developed beneficiary sub-Saharan African country" includes Mauritius; and (2) the applicable percentage with respect to Mauritius shall be five percent of such percentage described in this Act. Requires the retroactive liquidation or reliquidation of any

entries, or withdrawal from warehouse for consumption of any good, that was made on or after such date and before enactment of this Act for which there would have been no duty if this amendment applied to such entry or withdrawal.

(Sec. 2005) Amends the Harmonized Tariff Schedule of the United States to extend nondiscriminatory treatment (normal trade relations) to the products of the Lao People's Democratic Republic.

(Sec. 2006) Amends the Revenue Act of 1916 to repeal a specified antidumping provision that makes it a misdemeanor to import goods at less than their market value or wholesale price in the country of origin, with the intent of: (1) harming a U.S. industry; (2) preventing the establishment of an industry in the United States; or (3) restraining or monopolizing any part of trade and commerce in such articles in the United States.

Subtitle B: Technical Amendments Relating to Entry and Protest - (Sec. 2101) Amends the Tariff Act of 1930 to revise: (1) requirements and time with respect to entry of merchandise and reconciliation; (2) limitation on liquidations; and (3) procedures for protesting against decisions of the Customs Service.

(Sec. 2104) Permits a request for accelerated disposition of a protest to be mailed by certified or registered mail to the appropriate customs officer any time concurrent with or (currently, after 90 days) following the filing of such protest.

(Sec. 2105) Repeals the Customs Service authority to reliquidate an entry or reconciliation to make certain corrections.

Subtitle C: Protection of Intellectual Property Rights - (Sec. 2201) Amends the Trade Act of 1974 to require the U.S. Trade Representative (USTR) to make specified determinations about U.S. rights within 30 days after a dispute settlement procedure is concluded if the USTR considers that U.S. rights are involved under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) or the GATT 1994 relating to products subject to intellectual property protection.

Title II: Iraqi Cultural Antiquities - Emergency Protection for Iraqi Cultural Antiquities Act of 2004 - (Sec. 3002) Authorizes the President to exercise his authority under the Convention on Cultural Property Implementation Act to implement emergency import restrictions with respect to any archaeological or ethnological material of Iraq without regard to whether Iraq is a State Party under that Act. (But makes certain limitations under that Act inapplicable, including that the State Party must have requested the President to act.)

(Sec. 3003) Terminates such authority on September 30, 2009.

Title IV: Wool Trust Fund -Wool Suit and Textile Trade Extension Act of 2004 - (Sec. 4002) Amends the Harmonized Tariff Schedule of the United States to: (1) revise the description of worsted wool; (2) extend its temporary duty suspensions through FY 2007; (3) reduce the temporary duty on it; (4) strike heading 9902.51.12 (certain worsted wool with average fiber diameters of 18.5 micron or less); and (5) extend the temporary duty suspension on certain wool products through FY 2006 or 2007 in some cases.

Modifies the limitation on the quantity of imported worsted wool fabrics through FY 2005.

Establishes the Wool Apparel Manufacturers Trust Fund in the Treasury consisting of amounts received in the general fund of the Treasury from duty received on articles classified under the Harmonized Tariff Schedule of the United States.

Limits the amount of the Fund per fiscal year to such amount the Secretary of the Treasury deems necessary for payments by the Bureau of Customs and Border Protection to importing and nonimporting manufacturers of certain wool products during calendar year 2005.

Extends the Wool Research, Development, and Promotion Trust Fund through December 31, 2007.

Requires the Secretary of Commerce to provide grants in FY 2005 through 2007 to manufacturers of certain worsted wool fabric.

Title V: Reference to Customs Service - Declares that any reference in this Act to the United States Customs Service or the Customs Service shall be considered to be a reference to the Bureau of Customs and Border Protection of the Department of Homeland Security.

Actions Timeline

- **Dec 3, 2004:** Signed by President.
- **Dec 3, 2004:** Signed by President.
- **Dec 3, 2004:** Became Public Law No: 108-429.
- **Dec 3, 2004:** Became Public Law No: 108-429.
- **Nov 23, 2004:** Presented to President.
- **Nov 23, 2004:** Presented to President.
- **Nov 20, 2004:** Message on Senate action sent to the House.
- **Nov 19, 2004:** Cloture on the conference report to accompany H. R. 1047 invoked in Senate by Yea-Nay Vote. 88 - 5. Record Vote Number: 214.
- **Nov 19, 2004:** Conference report agreed to in Senate: Senate agreed to conference report by Unanimous Consent.(consideration: CR S11516-11519, S11519-11520, S11523-11533, S11555)
- **Nov 19, 2004:** Senate agreed to conference report by Unanimous Consent. (consideration: CR S11516-11519, S11519-11520, S11523-11533, S11555)
- **Nov 17, 2004:** Motion to proceed to consideration of conference report to accompany H. R. 1047 agreed to in Senate by Voice Vote. (consideration: CR S11435)
- **Nov 17, 2004:** Conference report considered in Senate. (consideration: CR S11435)
- **Nov 17, 2004:** Cloture motion on the conference report to accompany H. R. 1047 presented in Senate.
- **Oct 9, 2004:** Conference papers: message on House action held at the desk in Senate.
- **Oct 8, 2004:** Conference committee actions: Conferees agreed to file conference report.
- **Oct 8, 2004:** Conferees agreed to file conference report.
- **Oct 8, 2004:** Conference report filed: Conference report H. Rept. 108-771 filed.(text of conference report: CR H9627-9683)
- **Oct 8, 2004:** Conference report H. Rept. 108-771 filed. (text of conference report: CR H9627-9683)
- **Oct 8, 2004:** Mr. Thomas asked unanimous consent for consideration of the conference report, H. Rept. 108-771. (consideration: CR H9032-9033)
- **Oct 8, 2004:** Conference report agreed to in House: On agreeing to the conference report Agreed to without objection.
- **Oct 8, 2004:** On agreeing to the conference report Agreed to without objection.
- **Oct 8, 2004:** Motions to reconsider laid on the table Agreed to without objection.
- **Oct 5, 2004:** Message on Senate action sent to the House.
- **Oct 4, 2004:** Senate insists on its amendment, agrees to request for a conference, appoints conferees Grassley; Baucus; Frist.
- **May 20, 2004:** Mr. Crane asked unanimous consent that the House disagree to the Senate amendment, and request a conference.
- **May 20, 2004:** On motion that the House disagree to the Senate amendment, and request a conference Agreed to without objection. (consideration: CR H3414)
- **May 20, 2004:** The Speaker appointed conferees - from the Committee on Ways and Means for consideration of the House bill and the Senate amendment, and modifications committed to conference: Thomas, Crane, Shaw, Rangel, and Levin.
- **May 20, 2004:** Message on House action received in Senate and at desk: and House requests a conference.
- **Mar 8, 2004:** Message on Senate action sent to the House.
- **Mar 4, 2004:** Measure laid before Senate. (consideration: CR S2187-2188)
- **Mar 4, 2004:** Senate struck all after the Enacting Clause and substituted the language of S. 671 amended.
- **Mar 4, 2004:** Passed/agreed to in Senate: Passed Senate in lieu of S. 671 with an amendment by Unanimous Consent.(text: CR 3/8/04 S2314-2364)
- **Mar 4, 2004:** Passed Senate in lieu of S. 671 with an amendment by Unanimous Consent. (text: CR 3/8/04 S2314-2364)
- **Mar 4, 2004:** See also S. 671.
- **Mar 21, 2003:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 51.
- **Mar 20, 2003:** Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Mar 6, 2003:** Received in the Senate.
- **Mar 5, 2003:** Mr. Crane moved to suspend the rules and pass the bill.

- Mar 5, 2003:** Considered under suspension of the rules. (consideration: CR H1550-1591)
- **Mar 5, 2003:** DEBATE - The House proceeded with forty minutes of debate on H.R. 1047.
 - **Mar 5, 2003:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
 - **Mar 5, 2003:** Considered as unfinished business. (consideration: CR H1602)
 - **Mar 5, 2003:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 415 - 11 (Roll no. 45).(text: CR H1550-1586)
 - **Mar 5, 2003:** On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 415 - 11 (Roll no. 45). (text: CR H1550-1586)
 - **Mar 5, 2003:** Motion to reconsider laid on the table Agreed to without objection.
 - **Mar 4, 2003:** Introduced in House
 - **Mar 4, 2003:** Introduced in House
 - **Mar 4, 2003:** Referred to the House Committee on Ways and Means.