

Garrett (NJ) LoBiondo
 Gephardt Lofgren
 Gerlach Lowey
 Gibbons Lucas (KY)
 Gilchrest Lucas (OK)
 Gillmor Maloney
 Gingrey Manzullo
 Gonzalez Marshall
 Goode Matheson
 Goodlatte Matsui
 Gordon McCarthy (NY)
 Goss McCotter
 Granger McCrery
 Graves McHugh
 Green (TX) McInnis
 Green (WI) McIntyre
 Greenwood McKeon
 Grijalva McNulty
 Gutknecht Meehan
 Hall Menendez
 Harman Mica
 Harris Michaud
 Hart Millender
 Hastings (WA) McDonald
 Hayworth Miller (FL)
 Hefley Miller (MI)
 Hensarling Miller (NC)
 Herger Miller, Gary
 Herseht Mollohan
 Hill Moore
 Hinojosa Moran (KS)
 Hobson Moran (VA)
 Hoekstra Murphy
 Holden Murtha
 Holt Musgrave
 Honda Myrick
 Hooley (OR) Nadler
 Hostettler Napolitano
 Houghton Nethercutt
 Hulshof Neugebauer
 Hunter Ney
 Hyde Northup
 Israel Norwood
 Issa Nunes
 Jenkins Nussle
 John Ortiz
 Johnson (CT) Osborne
 Johnson (IL) Ose
 Johnson, E. B. Otter
 Johnson, Sam Oxley
 Kanjorski Pearce
 Kaptur Pence
 Keller Peterson (MN)
 Kelly Peterson (PA)
 Kennedy (MN) Petri
 Kildee Pickering
 King (IA) Pitts
 King (NY) Platts
 Kingston Pombo
 Kirk Pomeroy
 Kleczka Porter
 Kline Portman
 Knollenberg Price (NC)
 Kolbe Pryce (OH)
 LaHood Putnam
 Lampson Quinn
 Lantos Radanovich
 Larsen (WA) Rahall
 Latham Ramstad
 LaTourette Regula
 Leach Rehberg
 Levin Renzi
 Lewis (CA) Reynolds
 Lewis (KY) Rodriguez
 Linder Rogers (AL)
 Lipinski Rogers (KY)

NOES—85

Andrews Frank (MA)
 Baldwin Gutierrez
 Becerra Hastings (FL)
 Bell Hayes
 Bishop (GA) Hinchey
 Bishop (NY) Hoyer
 Blumenauer Insee
 Brady (PA) Jackson (IL)
 Brown, Corrine Jackson-Lee
 Capuano (TX)
 Clay Jefferson
 Clyburn Jones (NC)
 Conyers Jones (OH)
 Cummings Kennedy (RI)
 Davis (AL) Kilpatrick
 Doggett Kucinich
 Doyle Langevin
 Farr Larson (CT)
 Fattah Lee
 Filner Lewis (GA)
 Ford Lynch

Rush Stark
 Ryan (OH) Stupak
 Sanchez, Linda Taylor (MS)
 T. Thompson (MS)
 Sanchez, Loretta Tierney
 Sanders Towns
 Schakowsky Turner (TX)
 Sherman Udall (CO)

Carson (IN) Istook
 Hoeffel Rangel
 Isakson Majette

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1424

Messrs. WEXLER, SNYDER, MEEHAN and DAVIS of Florida changed their vote from “no” to “aye.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SHERMAN. Mr. Speaker, I voted against H.R. 4418—The Customs Border Security Act of 2004—because I did not feel a bill of such importance should be considered under suspension of the rules.

URGING THE GOVERNMENT OF PEOPLE'S REPUBLIC OF CHINA TO IMPROVE ITS PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 576, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BALENGER) that the House suspend the rules and agree to the resolution, H. Res. 576, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 3, not voting 14, as follows:

[Roll No. 374]

YEAS—416

Abercrombie Bell
 Ackerman Bereuter
 Aderholt Berkeley
 Akin Berman
 Alexander Berry
 Allen Biggart
 Andrews Bilirakis
 Baca Bishop (GA)
 Bachus Bishop (NY)
 Baird Bishop (UT)
 Baker Blackburn
 Baldwin Blumenauer
 Ballenger Blunt
 Barrett (SC) Boehlert
 Bartlett (MD) Boehner
 Barton (TX) Bonilla
 Bass Bonner
 Beauprez Bono
 Becerra Boozman

Cantor Udall (NM)
 Capito Velázquez
 Capps Waters
 Capuano Watson
 Cardin Watt
 Cardoza Waxman
 Carter Wootley
 Case Wynn
 Castle
 Chabot
 Chandler
 Chocoma
 Clay
 Clyburn
 Coble
 Cole
 Collins
 Conyers
 Cooper
 Costello
 Cox
 Cramer
 Crane
 Crenshaw
 Crowley
 Cubin
 Culberson
 Cummings
 Cunningham
 Davis (AL)
 Davis (CA)
 Davis (FL)
 Davis (IL)
 Davis (TN)
 Davis, Jo Ann
 Davis, Tom
 Deal (GA)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 DeLay
 DeMint
 Deutsch
 Dicks
 Dingell
 Doggett
 Dooley (CA)
 Doolittle
 Doyle
 Dreier
 Duncan
 Dunn
 Edwards
 Ehlers
 Emanuel
 Emerson
 Engel
 English
 Eshoo
 Etheridge
 Evans
 Everett
 Fattah
 Feeney
 Ferguson
 Filner
 Flake
 Foley
 Forbes
 Ford
 Fossella
 Frank (MA)
 Franks (AZ)
 Frelinghuysen
 Frost
 Gallegly
 Garrett (NJ)
 Gephardt
 Gerlach
 Gibbons
 Gilchrest
 Gillmor
 Gingrey
 Gonzalez
 Goodlatte
 Gordon
 Goss
 Granger
 Graves
 Green (TX)
 Green (WI)
 Greenwood
 Grijalva
 Gutierrez
 Gutknecht
 Hall
 Harman
 Harris

Hart
 Hastings (FL)
 Hastings (WA)
 Hayes
 Hayworth
 Hefley
 Hensarling
 Herseth
 Herseht
 Hill
 Hinchey
 Hinojosa
 Hobson
 Hoekstra
 Holden
 Holt
 Honda
 Hooley (OR)
 Hostettler
 Houghton
 Hoyer
 Hulshof
 Hunter
 Hyde
 Insee
 Israel
 Issa
 Jackson (IL)
 Jackson-Lee
 (TX)
 Jefferson
 Jenkins
 John
 Johnson (CT)
 Johnson (IL)
 Johnson, E. B.
 Johnson, Sam
 Jones (NC)
 Jones (OH)
 Kanjorski
 Kaptur
 Keller
 Kelly
 Kennedy (MN)
 Kennedy (RI)
 Kildee
 Kilpatrick
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kleczka
 Kline
 Knollenberg
 Kolbe
 Kucinich
 LaHood
 Lampson
 Langevin
 Lantos
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Leach
 Levin
 Lewis (CA)
 Lewis (GA)
 Lewis (KY)
 Linder
 Lipinski

Michaud
 Millender-
 McDonald
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Mollohan
 Moore
 Moran (KS)
 Moran (VA)
 Murphy
 Murtha
 Musgrave
 Myrick
 Nadler
 Napolitano
 Nethercutt
 Neugebauer
 Ney
 Northup
 Norwood
 Nunes
 Nussle
 Oberstar
 Obey
 Olver
 Ortiz
 Osborne
 Ose
 Otter
 Owens
 Oxley
 Pallone
 Pascrell
 Pastor
 Paul
 Payne
 Pearce
 Pelosi
 Pence
 Peterson (MN)
 Peterson (PA)
 Petri
 Pickering
 Pitts
 Platts
 Pombo
 Pomeroy
 Porter
 Portman
 Price (NC)
 Pryce (OH)
 Putnam
 Quinn
 Radanovich
 Rahall
 Ramstad
 Regula
 Rehberg
 Renzi
 Reyes
 Reynolds
 Rodriguez
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Ross
 Rothman
 Roybal-Allard
 Royce
 Ruppertsberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Ryan (KS)
 Sabo
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sanders
 Sandlin
 Saxton
 Schakowsky
 Schiff
 Schrock
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Serrano
 Sessions
 Shadegg
 Shaw
 Shays
 Sherman
 Sherwood
 Shimkus
 Shuster
 Simmons
 Simpson
 Skelton
 Slaughter
 Smith (MI)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Solis
 Souder
 Spratt
 Stearns
 Stenholm
 Strickland
 Sullivan
 Sweeney
 Tancredo
 Tanner
 Tauscher
 Tauzin
 Taylor (NC)
 Terry
 Thomas
 Thompson (CA)
 Thornberry
 Tiahrt
 Tiberi
 Toomey
 Turner (OH)
 Upton
 Van Hollen
 Visclosky
 Vitter
 Walden (OR)
 Walsh
 Wamp
 Weiner
 Weldon (FL)
 Weldon (PA)
 Weller
 Wexler
 Whitfield
 Wicker
 Wilson (NM)
 Wilson (SC)
 Wolf
 Wu
 Young (AK)
 Young (FL)

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

NAYS—3

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1432

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED STATES-AUSTRALIA FREE TRADE IMPLEMENTATION ACT

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

The Clerk read the title of the bill.

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

H.R. 4759

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

Sec. 3. Definitions.

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

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

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

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

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

Sec. 105. Administration of dispute settlement proceedings.

Sec. 106. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.

Sec. 202. Additional duties on certain agricultural goods.

Sec. 203. Rules of origin.

Sec. 204. Customs user fees.

Sec. 205. Disclosure of incorrect information.

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

Sec. 207. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.

Sec. 312. Commission action on petition.

Sec. 313. Provision of relief.

Sec. 314. Termination of relief authority.

Sec. 315. Compensation authority.

Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.

Sec. 322. Determination and provision of relief.

Sec. 323. Period of relief.

Sec. 324. Articles exempt from relief.

Sec. 325. Rate after termination of import relief.

Sec. 326. Termination of relief authority.

Sec. 327. Compensation authority.

Sec. 328. Business confidential information.

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

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

TITLE IV—PROCUREMENT

Sec. 401. Eligible products.

SEC. 2. PURPOSES.

The purposes of this Act are—

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

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

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

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

SEC. 3. DEFINITIONS.

In this Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

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

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

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

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

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

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

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

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

(a) IMPLEMENTING ACTIONS.—

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

(A) the President may proclaim such actions, and

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

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

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