

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 109th Congress¹**

[Date approved: August 30, 2006]²

Bill No. and sponsor: S. 3052 (Senator Tom Carper, Delaware).

Proponent name, location: INVISTA, Inc., Wilmington, Delaware.

Other bills on product (109th Congress only): None.

Nature of bill: Temporary duty suspension through December 31, 2009.

Retroactive effect: None.

Suggested article description(s) for enactment (including appropriate HTS subheading(s)):

Synthetic staple fibers of polyester, made from tow, the foregoing fibers having a scalloped oval cross section with four channels, measuring 1.2 to 1.7 decitex (provided for in subheading 5503.20.00).

Check one: Same as that in bill as introduced.
 Different from that in bill as introduced (see Technical comments section).

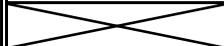
Product information, including uses/applications and source(s) of imports:

The subject synthetic staple fibers of polyester have a scalloped oval cross section with four channels and measure 1.2 to 1.7 decitex. The fibers convey properties to yarn or fabric that aid with moisture management and temperature control and are intended to be used in specialty performance apparel. The product is imported from Thailand.

¹ Industry analyst preparing report: Erin McLaughlin (202-205-2334); Tariff Affairs contact: Jan Summers (202-205-2605).

² Access to an electronic copy of this memorandum is available at http://usitc.gov/tata/hts/other/rel_doc/bill_reports/index.htm.

Estimated effect on customs revenue:

HTS subheading: 5503.20.00					
	2006	2007	2008	2009	2010
Col. 1-General rate of duty	4.3%	4.3%	4.3%	4.3%	4.3%
Estimated value <i>dutiable</i> imports	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000
Customs revenue loss	\$86,000	\$86,000	\$86,000	\$86,000	\$86,000

Source of estimated dutiable import data: Estimates of imports provided by the proponent; no other importers have been identified.

Contacts with domestic firms/organizations (including the proponent):

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
INVISTA, Inc. (Proponent) Mary Vane, 302-683-3230	06/21/2006	No	Yes	No
American Fiber Manufacturers Association Paul O'Day, President, 703-875-0432	06/26/2006	No	No	No
DAK Americas Jonathan McNaull, 704-940-7590	06/29/2006	Yes	Yes	Yes
Nanya J.C. Hsio, 843-389-6971	06/26/2006	No	No	No
National Council of Textile Organizations Michael Hubbard, 704-824-3522	07/30/2006	No	Yes	No
Unifi Jane Johnson, 336-316-5278	06/29/2006	No	No	No
Wellman, Inc. Gisela Katz, 718-269-4193	06/28/2006	No	No	No

Technical comments:³

To be more consistent with normal drafting practices in the HTS and to appropriately describe the subject goods, it is suggested that the article description appear as shown on page 1. We strongly suggest not including the criterion “made from a patented tow”; Customs would need to determine how the product

³ The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

was produced offshore, and also decide (or find out) if the product is patented and whether the patent was in force at the time. Such determinations are difficult, and may involve interpretations of patent laws of other countries given that the language is not restricted to U.S. patents. If the patent holder wishes to register the patent with Customs, then officials at the ports could follow normal practices to enforce it and ensure that no infringing goods enter this country. Merely including “made from tow” would necessitate a lab test for each shipment, because it cannot be determined by visual inspection if a fiber was made from tow.

INVISTA Inc.
3 Little Falls
2801 Centerville Rd.
Wilmington, DE 19808



July 17, 2006

The Honorable Charles Grassley
Chairman, Senate Finance Committee
Senate Finance Committee
SD-219 U.S. Senate,
Washington, DC 20510

Re: S. 3052 to temporarily suspend the duty on synthetic staple fiber of polyester having a scalloped oval cross section

Dear Mr. Chairman:

INVISTA is the proponent of S. 3052 and strongly supports suspending the duty on this unique, specialty form of polyester staple, which is used in apparel applications. The product is currently classified under HTS 5503.20.00.

INVISTA is one of the world's largest integrated fibers, polymer, and intermediates companies, producing and marketing to the apparel, performance fibers, interiors, intermediates, and resins industries. It is recognized across the globe through its well-known brands and trademarks including: LYCRA®, STAINMASTER®, ANTRON®, and COOLMAX®. INVISTA is a wholly owned, but independently managed, subsidiary of Koch Industries, Inc. We are committed to meeting the needs of our customers through technology innovations.

The product has a unique, scalloped oval cross section with 4 channels, rather than the traditional round cross section. The tow, from which it is made, is patented. It provides exceptional consumer performance characteristics when spun into a yarn and knit or woven into a fabric, creating improved comfort in apparel. The staple fiber measures 1.2-1.7 decitex. It is often blended with other fibers, which are of U.S. origin. This is a very small volume, premium priced item that is a response to U.S. textile mills' demands for innovative, technologically sophisticated offerings. Availability of advanced products such as this is what is needed to sustain the U.S. textile industry. U.S. import duties on this product are considered an unnecessary burden.

This item is one of a large family of products that may be used under INVISTA's COOLMAX® fabric certification program. This program was created by INVISTA and is promoted by our company to garment brands, retailers, and consumers. The certification requires that the fabrics demonstrate certain performance characteristics, and it requires that the fabrics be made with a minimum content of qualifying fibers. Only INVISTA fibers will qualify for the certification. There are no domestic producers of this scalloped oval cross sectioned polyester staple fiber.

We urge Congressional passage of S. 3052.

Sincerely,

Mary Vane
Director, International Trade & Business Development
INVISTA
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FAX: 302-683-3495
E-mail: mary.vane@invista.com

109TH CONGRESS
2D SESSION

S. 3052

To suspend temporarily the duty on synthetic staple fiber of polyester having a scalloped oval cross section.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2006

Mr. CARPER introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To suspend temporarily the duty on synthetic staple fiber of polyester having a scalloped oval cross section.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SYNTHETIC STAPLE FIBER OF POLYESTER**

4 **HAVING A SCALLOPED OVAL CROSS SECTION.**

5 (a) IN GENERAL.—Subchapter II of chapter 99 of
6 the Harmonized Tariff Schedule of the United States is
7 amended by inserting in numerical sequence the following
8 new heading:

“	9902.55.04	Synthetic staple fibers of polyester, from a patented tow comprised of fibers having a scalped oval cross section with four channels, measuring 1.2 to 1.7 decitex (provided for in subheading 5503.20.00)	Free	No change	No change	On or before 12/31/2009	”.
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1 (b) **EFFECTIVE DATE.**—The amendment made by
 2 subsection (a) applies to goods entered, or withdrawn from
 3 warehouse for consumption, on or after the 15th day after
 4 the date of the enactment of this Act.

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