MEMORANDUM ON PROPOSED TARIFF LEGISLATION of the 109th Congress

[Date approved: August 30, 2006]

Bill No. and sponsor: S. 3053 (Mr. Tom Carper of Delaware).

Proponent name, location: INVISTA, Wilmington, Delaware.

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


Retroactive effect: None.

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

Staple bi-component fibers of polyethylene terephthalate and elasterell-p, measuring less than 3.5 decitex (provided for in subheading 5503.20.00).

Check one: Same as that in bill as introduced. X 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 contain polyethylene terephthalate and the newly approved stretchable material elasterell-p. The fibers measure less than 3.5 decitex with the majority being between 1.0 and 1.8 decitex. The fibers will be used in the construction of a fabric that has a natural springiness, less synthetic feel, and is certified for performance. The sourcing of the fibers has not yet been determined by the proponent; they will most likely be imported from Korea or Taiwan.
4 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.
July 17, 2006

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

Re:  S. 3053 to temporarily suspend the duty on synthetic elastic staple fiber

Dear Mr. Chairman:

INVISTA is the proponent of S. 3053 and strongly supports suspending the duty on this unique, synthetic elastic staple fiber which is used in apparel. The generic name for the product is "elasterell-p". 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 subject product is a melt-spun, bicomponent, elastomeric fiber of polyethylene terephthalate and polytrimethylene terephthalate. INVISTA has pending patent applications for this new staple fiber under US 2005-0227069, US 2006-0040101, and US 2006-024496. INVISTA was also granted a patent for spun yarn from cotton and this staple fiber under US Patent No. 7,036,299. The product is branded as Lycra®. When it is blended with natural staple fibers (e.g. cotton, wool) or synthetics, it produces a spun yarn which imparts elastic properties in the final use. The fiber uniquely generates permanent stretch and recovery when it self-crims under dyeing and finishing conditions, due to its bicomponent structure. It exhibits excellent dyeability and chemical resistance. There are no domestic offerings of any elastic staple fiber. Commercialization of this product 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.

We urge Congressional passage of S.3053.

Sincerely,

Mary Vane
Director, International Trade & Business Development
INVISTA
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A BILL

To suspend temporarily the duty on synthetic elastic staple fiber.

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

SECTION 1. SYNTHETIC ELASTIC STAPLE FIBER.

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

| 9902.55.03 | Synthetic elastic staple fiber of poly-
|  | ethylene terephthalate and
|  | polytrimethylene terephthalate, patented
|  | bi-component melt-spun elastrell-p (pro-
|  | vided for in subheading 5503.20.00) ....... | Free | No change | No change | On or before 12/31/2009 |
(b) Effective Date.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.