

110TH CONGRESS
2D SESSION

S. 3439

To provide for duty free treatment of certain recreational performance
outerwear, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2008

Mr. SALAZAR (for himself, Mr. CRAPO, and Mr. WYDEN) introduced the
following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide for duty free treatment of certain recreational
performance outerwear, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Recreational Perform-
5 ance Outerwear Apparel Act of 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The outdoor industry contributes
9 \$730,000,000,000 to the United States economy an-
10 nually.

1 (2) Outdoor activities are vitally important to
2 the health and well-being of all Americans.

3 (3) Duty rates on performance apparel are
4 among the highest imposed by the United States
5 Government, with some as high as 28.2 percent.

6 (4) Average collected duties on recreational per-
7 formance apparel totaled an estimated \$70,000,000
8 during 2007.

9 (5) The duties currently imposed by the United
10 States were set in an era during which high rates of
11 duty were intended to protect United States produc-
12 tion of other apparel, and before the technologies
13 and innovations were developed to create today's
14 performance apparel industry.

15 (6) The International Trade Commission (ITC)
16 has confirmed in USITC Publication 3937 dated
17 July 2007 that United States production of rec-
18 reational performance apparel is less than one per-
19 cent of the total Recreational Performance Outer-
20 wear market and therefore concluded that there is
21 no commercially viable United States production of
22 recreational use performance apparel.

23 (7) The Committee for the Implementation of
24 Textile Agreements (CITA) in 70 Fed. Reg. 210 (1
25 November 2005) confirmed that imports of certain

1 recreational performance apparel do not contribute
2 to domestic market disruption or adversely affect
3 United States textile and apparel producers.

4 (8) There is no commercially viable production
5 in the United States of recreational performance ap-
6 parel as defined under this Act.

7 (9) The elimination of duties on the importation
8 of certain recreational performance apparel would
9 provide an economic benefit to United States con-
10 sumers of outdoor products and would promote in-
11 creased participation in healthy and active lifestyles.

12 **SEC. 3. KNIT APPAREL AND ACCESSORIES.**

13 (a) DEFINITIONS.—The Additional U.S. Note to
14 Chapter 61 of the Harmonized Tariff Schedule of the
15 United States is amended—

16 (1) by striking “Additional U.S. Note” and in-
17 serting “Additional U.S. Notes”; and

18 (2) by adding at the end the following new
19 notes:

20 “2. For purposes of this chapter, the term ‘rec-
21 reational performance outerwear’ means pants (including,
22 but not limited to, paddling pants, ski or snowboard pants,
23 and ski or snowboard pants intended for sale as parts of
24 ski suits), coveralls and bib overalls, and jackets (includ-
25 ing, but not limited to, full zip jackets, paddling jackets,

1 ski jackets, and ski jackets intended for sale as parts of
2 ski suits), windbreakers, and similar articles (including
3 padded, sleeveless jackets), the outer surface of which is
4 predominately composed of knit fabrics of cotton, wool,
5 hemp, bamboo, silk, or manmade fiber, or a combination
6 of such fibers, that are water-resistant, visibly coated, or
7 any combination thereof, with critically sealed seams, with
8 5 or more of the following options:

9 “(a) Insulation for cold weather protection.

10 “(b) Pockets, at least one of which has a
11 zippered, hook and loop, or other type of closure.

12 “(c) Elastic, drawcord, or other means of tight-
13 ening around the waist or leg hems, including hid-
14 den leg sleeves with a means of tightening at the
15 ankle for pants and tightening around the waist or
16 bottom hem for jackets.

17 “(d) Venting.

18 “(e) Articulated elbows or knees.

19 “(f) Reinforcement in one of the following
20 areas: the elbows, shoulders, seat, knees, or ankles
21 or cuffs.

22 “(g) Weatherproof closure at the waist or front.

23 “(h) Multi-adjustable hood or collar.

24 “(i) Adjustable powder, inner protective skirt,
25 or adjustable inner protective cuff at sleeve hem.

1 “(j) Construction at the arm gusset that utilizes
2 fabric, design, or patterning to ensure radial arm
3 movement.

4 “(k) Odor control technology.

5 The term ‘recreational performance outerwear’ does not
6 include occupational outerwear.

7 “3. For purposes of Additional U.S. Note 2, the fol-
8 lowing terms have the following meanings:

9 “(a) The term ‘absorption’ means the process
10 of gases or liquids being taken up into the pores of
11 textile fibers, yarns, fabrics, or any other material.

12 “(b) The terms ‘adjustable powder’ and ‘inner
13 protective skirt’ refer to a partial lower inner lining
14 with means of tightening around the waist for addi-
15 tional protection from the elements.

16 “(c) The term ‘adsorption’ means the attraction
17 of gases, liquids, or solids to surface areas of textile
18 fibers, yarns, fabrics, or any other material.

19 “(d) The term ‘articulated elbows or knees’ re-
20 fers to the construction of a sleeve (or pant leg) to
21 allow improved mobility at the elbow (or knee)
22 through the use of extra seams, darts, gussets, or
23 other means.

24 “(e) The term ‘critically sealed seams’ means—

1 “(i) for jackets, sealed seams that are
2 sealed at the shoulders, or arm holes, or both,
3 and at any front and back yokes, and

4 “(ii) for pants, sealed seams that are
5 sealed at the front (up to the zipper or other
6 means of closure) and back rise.

7 “(f) The term ‘insulation for cold weather pro-
8 tection’ means insulation with either synthetic fill,
9 down, a laminated thermal backing, or other lining
10 for thermal protection from cold weather.

11 “(g) The term ‘multi-adjustable hood or adjust-
12 able collar’ means a draw cord, adjustment tab, or
13 elastic incorporated into the hood or collar construc-
14 tion to allow volume adjustments around the crown
15 of the head or neck.

16 “(h) The term ‘odor control technology’ means
17 a technology in a fabric or garment capable of ad-
18 sorbing, absorbing, or changing the chemical source
19 of human odors, including the use of activated car-
20 bon, silver, copper, or any combination thereof.

21 “(i) The term ‘occupational outerwear’ means
22 outerwear garments intended for use in the work-
23 place or as uniforms. Such garments are designed
24 for, and normally worn by workers that include, but
25 are not limited to, military, law enforcement, fire,

1 rescue, emergency, industrial, residential, safety,
2 healthcare, and government workers (excluding rec-
3 reational workers) and provide durable protection
4 from cold or inclement weather, as well as safety
5 from workplace hazards, such as, fire, electrical, ab-
6 rasion, chemicals, impacts, cuts, punctures, or simi-
7 lar hazards.

8 “(j) The term ‘radial arm movement’ refers to
9 the ability for unrestricted, 180-degree range of mo-
10 tion for the arm while wearing a performance outer-
11 wear jacket.

12 “(k) The term ‘reinforcement’ refers to the use
13 of a double layer of fabric or application of fabric
14 that is abrasion-resistant, heavier, or more durable
15 than the predominant or face fabric of the garment.

16 “(l) The term ‘sealed seam’ means a seam that
17 has been covered by means of taping, gluing, bond-
18 ing, cementing, fusing, welding, or a similar process
19 so that water cannot pass through it when tested in
20 accordance with AATCC Test Method 35–1985.

21 “(m) The term ‘technical fabrics’ means textile
22 products that have special functionality such as
23 those used in industrial, aerospace, military, marine,
24 outdoor, medical, construction, geotextile, transpor-
25 tation, and high technology applications.

1 “(n) The term ‘venting’ refers to closeable or
2 permanent constructed openings in a garment (ex-
3 cluding front, primary zipper closures) to allow in-
4 creased expulsion of built-up heat during outdoor ac-
5 tivities. In a jacket, the openings are often posi-
6 tioned on the underarm seam of a garment but may
7 also be placed along other seams in the front or back
8 of a garment. In pants, the openings are often posi-
9 tioned on the inner or outer leg seams of a garment
10 but may also be placed along other seams in the
11 front or back of a garment.

12 “(o) The term ‘visibly coated’ refers to fabric
13 that is impregnated, coated, covered, or laminated
14 with plastics.

15 “(p) The term ‘water resistant’ means that a
16 garment must have a water resistance (see ASTM
17 designations D 3600–81 and D 3781–79) such that,
18 under a head pressure of 600 millimeters, not more
19 than 1.0 gram of water penetrates after two minutes
20 when tested in accordance with AATCC Test Meth-
21 od 35–1985. This water resistance is the result of
22 a rubber or plastics application to the outer shell,
23 lining, or inner lining.

24 “(q) The term ‘weatherproof closure’ means a
25 closure (including, but not limited to, laminated or

1 coated zippers, storm flaps, or other weatherproof
2 construction) that has been reinforced or engineered
3 in a manner to reduce the penetration or absorption
4 of moisture, air, and inclement weather through an
5 opening in the garment.

6 “4. For purposes of this chapter, goods meeting the
7 definition of ‘recreational performance outerwear’ shall be
8 classified under the subheading which provides for ‘rec-
9 reational performance outerwear’ regardless of whether it
10 may also be classified under other provisions of this
11 Schedule.

12 “5. For purposes of this chapter, goods claimed as
13 ‘recreational performance outerwear’ shall identify on
14 entry of the goods whether the outer surface is water-re-
15 sistant, visibly-coated, or a combination thereof, plus the
16 specific features that make the goods eligible for entry as
17 recreational performance outerwear.”.

18 (b) TARIFF CLASSIFICATIONS.—Chapter 61 of the
19 Harmonized Tariff Schedule of the United States is
20 amended as follows:

21 (1) By striking subheading 6101.20.00 and in-
22 sserting the following, with the article description for
23 subheading 6101.20 having the same degree of in-
24 dentation as the article description for subheading
25 6101.30:

6101.20	Of cotton:			
6101.20.05	Recreational performance outerwear	Free		50%
6101.20.10	Other	15.9%	Free (BH, CA, CL, IL, JO, MX, P, SG) 4.8% (MA) 15.5% (AU)	50%

1 (2) By striking subheading 6102.10.00 and in-
 2 serting the following, with the article description for
 3 subheading 6012.10 having the same degree of in-
 4 dentation as the article description for subheading
 5 6102.30:

6102.10	Of wool or fine animal hair:			
6102.10.05	Recreational performance outerwear	Free		68.3¢kg + 54.5%
6102.10.10	Other	55.9¢kg + 16.4%	Free (BH, CA, CL, IL, JO, MX, P, SG) 17.1¢kg + 5% (MA) 15.5% (AU)	68.3¢kg + 54.5%

6 (3) By striking subheading 6201.20.00 and in-
 7 serting the following, with the article description for
 8 subheading 6102.10 having the same degree of in-
 9 dentation as the article description for subheading
 10 6102.30:

6102.20	Of cotton:			
6102.20.05	Recreational performance outerwear	Free		50%
6102.20.10	Other	15.9%	Free (BH, CA, CL, IL, JO, MX, P, SG) 4.8% (MA) 15.5% (AU)	50%

11 (4) By striking subheading 6104.61.00 and in-
 12 serting the following, with the article description for
 13 subheading 6104.61 having the same degree of in-
 14 dentation as the article description for subheading
 15 6104.59:

6104.61	Trousers, bib and brace overalls, breeches and shorts:				
6104.61.05	Recreational performance outerwear	Free			54.5%
6104.61.10	Of wool or fine animal hair	14.9%	Free (BH, CA, CL, IL, JO, MX, P, SG)	4.5% (MA)	13.4% (AU)

1 (5) By striking subheading 6114.20.00 and in-
 2 sserting the following, with the article description for
 3 subheading 6114.20 having the same degree of in-
 4 dentation as the article description for subheading
 5 6114.30:

6114.20	Of cotton:				
6114.20.05	Recreational performance outerwear	Free			90%
6114.20.10	Other	10.8%	Free (BH, CA, CL, IL, JO, MX, P, SG)	3.2% (MA)	9.7% (AU)

6 (c) ADDITIONAL TARIFF CLASSIFICATIONS.—Chap-
 7 ter 61 of the Harmonized Tariff Schedule of the United
 8 States is further amended as follows:

9 (1) By inserting in numerical sequence the fol-
 10 lowing new subheading, with the article description
 11 having the same degree of indentation as the article
 12 description for subheading 6101.30.10:

6101.30.05	Recreational performance outerwear	Free			35%
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13 (2) By inserting in numerical sequence the fol-
 14 lowing new subheading, with the article description
 15 having the same degree of indentation as the article
 16 description for subheading 6101.90.05:

6101.90.01	Recreational performance outerwear	Free			45%
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1 (3) By inserting in numerical sequence the fol-
 2 lowing new subheading, with the article description
 3 having the same degree of indentation as the article
 4 description for subheading 6102.30.05:

“ | 6102.30.01 | Recreational performance outerwear | Free | | 35% | ”.

5 (4) By inserting in numerical sequence the fol-
 6 lowing new subheading, with the article description
 7 having the same degree of indentation as the article
 8 description for subheading 6102.90.10:

“ | 6102.90.05 | Recreational performance outerwear | Free | | 45% | ”.

9 (5) By inserting in numerical sequence the fol-
 10 lowing new subheading, with the article description
 11 having the same degree of indentation as the article
 12 description for subheading 6103.41.10:

“ | 6103.41.05 | Recreational performance outerwear | Free | | 77.2¢/kg +
 54.5% | ”.

13 (6) By inserting in numerical sequence the fol-
 14 lowing new subheading, with the article description
 15 having the same degree of indentation as the article
 16 description for subheading 6103.42.10:

“ | 6103.42.05 | Recreational performance outerwear | Free | | 45% | ”.

17 (7) By inserting in numerical sequence the fol-
 18 lowing new subheading, with the article description
 19 having the same degree of indentation as the article
 20 description for subheading 6103.43.10:

“ | 6103.43.05 | Recreational performance outerwear | Free | | 77.2¢/kg + 54.5% | ”.

1 (8) By inserting in numerical sequence the fol-
 2 lowing new subheading, with the article description
 3 having the same degree of indentation as the article
 4 description for subheading 6103.49.10:

“ | 6103.49.05 | Recreational performance outerwear | Free | | 72% | ”.

5 (9) By inserting in numerical sequence the fol-
 6 lowing new subheading, with the article description
 7 having the same degree of indentation as the article
 8 description for subheading 6104.62.10:

“ | 6104.62.05 | Recreational performance outerwear | Free | | 90% | ”.

9 (10) By inserting in numerical sequence the fol-
 10 lowing new subheading, with the article description
 11 having the same degree of indentation as the article
 12 description for subheading 6104.63.10:

“ | 6104.63.05 | Recreational performance outerwear | Free | | 72% | ”.

13 (11) By inserting in numerical sequence the fol-
 14 lowing new subheading, with the article description
 15 having the same degree of indentation as the article
 16 description for subheading 6104.69.05:

“ | 6104.69.05 | Recreational performance outerwear | Free | | 72% | ”.

17 (12) By inserting in numerical sequence the fol-
 18 lowing new subheading, with the article description
 19 having the same degree of indentation as the article
 20 description for subheading 6112.20.10:

“ | 6112.20.05 | Recreational performance outerwear | Free | | 72% | ”.

1 (13) By inserting in numerical sequence the fol-
 2 lowing new subheading, with the article description
 3 having the same degree of indentation as the article
 4 description for subheading 6113.00.10:

“ | 6113.00.05 | Recreational performance outerwear | Free | | 65% | ”.

5 (14) By inserting in numerical sequence the fol-
 6 lowing new subheading, with the article description
 7 having the same degree of indentation as the article
 8 description for subheading 6114.30.20:

“ | 6114.30.25 | Recreational performance outerwear | Free | | 90% | ”.

9 (15) By inserting in numerical sequence the fol-
 10 lowing new subheading, with the article description
 11 having the same degree of indentation as the article
 12 description for subheading 6114.90.05:

“ | 6114.90.01 | Recreational performance outerwear | Free | | 90% | ”.

13 **SEC. 4. APPAREL ARTICLES AND ACCESSORIES OF OTHER**
 14 **MATERIALS.**

15 (a) NOTES.—The Additional U.S. Notes to chapter
 16 62 of the Harmonized Tariff Schedule of the United
 17 States is amended—

18 (1) in Additional U.S. Note 2, by striking “For
 19 purposes of subheadings” and all that follows
 20 through “6211.20.15” and inserting “For purposes
 21 of this chapter”; and

1 (2) by adding at the end the following new
2 notes:

3 “3. For purposes of this chapter, the term ‘rec-
4 reational performance outerwear’ means pants (including,
5 but not limited to, paddling pants, ski or snowboard pants,
6 and ski or snowboard pants intended for sale as parts of
7 ski suits), coveralls and bib overalls, and jackets (includ-
8 ing, but not limited to, full zip jackets, paddling jackets,
9 ski jackets, and ski jackets intended for sale as parts of
10 ski suits), windbreakers, and similar articles (including
11 padded, sleeveless jackets), the outer surface of which is
12 predominately composed of woven fabrics of cotton, wool,
13 hemp, bamboo, silk, or manmade fiber, or a combination
14 of such fibers, that are water-resistant, visibly coated, or
15 any combination thereof, with critically sealed seams, with
16 5 or more of the following options:

17 “(a) Insulation for cold weather protection.

18 “(b) Pockets, at least one of which has a
19 zippered, hook and loop, or other type of closure.

20 “(c) Elastic, drawcord, or other means of tight-
21 ening around the waist or leg hems, including hid-
22 den leg sleeves with a means of tightening at the
23 ankle for pants and tightening around the waist or
24 bottom hem for jackets.

25 “(d) Venting.

1 “(e) Articulated elbows or knees.

2 “(f) Reinforcement in one of the following
3 areas: the elbows, shoulders, seat, knees, or ankles
4 or cuffs.

5 “(g) Weatherproof closure at the waist or front.

6 “(h) Multi-adjustable hood or collar.

7 “(i) Adjustable powder, inner protective skirt,
8 or adjustable inner protective cuff at sleeve hem.

9 “(j) Construction at the arm gusset that utilizes
10 fabric, design, or patterning to ensure radial arm
11 movement.

12 “(k) Odor control technology.

13 The term ‘recreational performance outerwear’ does not
14 include occupational outerwear.

15 “4. For purposes of Additional U.S. Note 3, the fol-
16 lowing terms have the following meanings:

17 “(a) The term ‘absorption’ means the process
18 of gases or liquids being taken up into the pores of
19 textile fibers, yarns, fabrics, or any other material.

20 “(b) The terms ‘adjustable powder’ and ‘inner
21 protective skirt’ refer to a partial lower inner lining
22 with means of tightening around the waist for addi-
23 tional protection from the elements.

1 “(e) The term ‘adsorption’ means the attraction
2 of gases, liquids, or solids to surface areas of textile
3 fibers, yarns, fabrics, or any other material.

4 “(d) The term ‘articulated elbows or knees’ re-
5 fers to the construction of a sleeve (or pant leg) to
6 allow improved mobility at the elbow (or knee)
7 through the use of extra seams, darts, gussets, or
8 other means.

9 “(e) The term ‘critically sealed seams’ means—

10 “(i) for jackets, sealed seams that are
11 sealed at the shoulders, or arm holes, or both,
12 and at any front and back yokes, and

13 “(ii) for pants, sealed seams that are
14 sealed at the front (up to the zipper or other
15 means of closure) and back rise.

16 “(f) The term ‘insulation for cold weather pro-
17 tection’ means insulation with either synthetic fill,
18 down, a laminated thermal backing, or other lining
19 for thermal protection from cold weather.

20 “(g) The term ‘multi-adjustable hood or adjust-
21 able collar’ means a draw cord, adjustment tab, or
22 elastic incorporated into the hood or collar construc-
23 tion to allow volume adjustments around the crown
24 of the head or neck.

1 “(h) The term ‘odor control technology’ means
2 a technology in a fabric or garment capable of ad-
3 sorbing, absorbing, or changing the chemical source
4 of human odors, including the use of activated car-
5 bon, silver, copper, or any combination thereof.

6 “(i) The term ‘occupational outerwear’ means
7 outerwear garments intended for use in the work-
8 place or as uniforms. Such garments are designed
9 for, and normally worn by workers that include, but
10 are not limited to, military, law enforcement, fire,
11 rescue, emergency, industrial, residential, safety,
12 healthcare, and government workers (excluding rec-
13 reational workers) and provide durable protection
14 from cold or inclement weather, as well as safety
15 from workplace hazards, such as, fire, electrical, ab-
16 rasion, chemicals, impacts, cuts, punctures, or simi-
17 lar hazards.

18 “(j) The term ‘radial arm movement’ refers to
19 the ability for unrestricted, 180 degree range of mo-
20 tion for the arm while wearing a performance outer-
21 wear jacket.

22 “(k) The term ‘reinforcement’ refers to the use
23 of a double layer of fabric or application of fabric
24 that is abrasion-resistant, heavier, or more durable
25 than the predominant or face fabric of the garment.

1 “(l) The term ‘sealed seam’ means a seam that
2 has been covered by means of taping, gluing, bond-
3 ing, cementing, fusing, welding, or a similar process
4 so that water cannot pass through it when tested in
5 accordance with AATCC Test Method 35–1985.

6 “(m) The term ‘technical fabrics’ means textile
7 products that have special functionality such as
8 those used in industrial, aerospace, military, marine,
9 outdoor, medical, construction, geotextile, transpor-
10 tation, and high technology applications.

11 “(n) The term ‘venting’ refers to closeable or
12 permanent constructed openings in a garment (ex-
13 cluding front, primary zipper closures) to allow in-
14 creased expulsion of built-up heat during outdoor ac-
15 tivities. In a jacket, the openings are often posi-
16 tioned on the underarm seam of a garment but may
17 also be placed along other seams in the front or back
18 of a garment. In pants, the openings are often posi-
19 tioned on the inner or outer leg seams of a garment
20 but may also be placed along other seams in the
21 front or back of a garment.

22 “(o) The term ‘visibly coated’ refers to fabric
23 that is impregnated, coated, covered, or laminated
24 with plastics.

1 “(p) The term ‘weatherproof closure’ means a
2 closure (including, but not limited to, laminated or
3 coated zippers, storm flaps, or other weatherproof
4 construction) that has been reinforced or engineered
5 in a manner to reduce the penetration or absorption
6 of moisture, air, and inclement weather through an
7 opening in the garment.

8 “5. For purposes of this chapter, goods meeting the
9 definition of ‘recreational performance outerwear’ shall be
10 classified under the subheading which provides for ‘rec-
11 reational performance outerwear’ regardless of whether it
12 may also be classified under other provisions of this
13 Schedule.

14 “6. For purposes of this chapter, goods claimed as
15 ‘recreational performance outerwear’ shall identify on
16 entry of the goods whether the outer surface is water-re-
17 sistant, visibly-coated, or a combination thereof, plus the
18 specific features that make the goods eligible for entry as
19 recreational performance outerwear.”.

20 (b) TARIFF CLASSIFICATIONS.—Chapter 62 of the
21 Harmonized Tariff Schedule of the United States is
22 amended as follows:

23 (1) By striking subheading 6201.11.00 and in-
24 serting the following, with the article description for
25 subheading 6201.11 having the same degree of in-

1 dentation as the article description for subheading
 2 6201.12:

6201.11	Of wool or fine animal hair:			
6201.11.05	Recreational performance outerwear	Free		52.9¢/kg + 58.5%
6201.11.10	Other	41¢/kg + 16.3%	Free (BH, CA, CL, IL, JO, MX, P, SG) 12.6¢/kg + 5% (MA) 15.5% (AU)	52.9¢/kg + 58.5%

3 (2) By striking subheading 6202.11.00 and in-
 4 serting the following, with the article description for
 5 subheading 6201.11 having the same degree of in-
 6 dentation as the article description for subheading
 7 6202.12:

6202.11	Of wool or fine animal hair:			
6202.11.05	Recreational performance outerwear	Free		46.3¢/kg + 58.5%
6202.11.10	Other	41¢/kg + 16.3%	Free (BH, CA, CL, IL, JO, MX, P, SG) 12.6¢/kg + 5% (MA) 15.5% (AU)	46.3¢/kg + 58.5%

8 (3) By striking subheadings 6203.41 and
 9 6203.41.05 and inserting the following, with the ar-
 10 ticle description for subheading 6203.41.05 having
 11 the same degree of indentation as the article descrip-
 12 tion for subheading 6203.41.20:

6203.41	Of wool or fine animal hair:			
6203.41.05	Recreational performance outerwear	Free		52.9¢/kg + 58.5%
6203.41.10	Trousers, breeches, and shorts: Trousers, breeches, or shorts containing elas- tomeric fiber, water resist- ant, without beltloops, weighing more than 9 kg per dozen	7.6%	Free (BH, CA, CL, IL, JO, MX, P, SG) 2.2% (MA) 6.8% (AU)	52.9¢/kg + 58.5%

1 (4) By striking subheadings 6211.20 and
 2 6211.20.04 and inserting the following, with the ar-
 3 ticle description for subheading 6211.20.04 having
 4 the same degree of indentation as the article descrip-
 5 tion for subheading 6211.20.08:

6211.20	Ski-suits:			
6211.20.02	Recreational performance outerwear	Free		60%
	Containing 15 percent or more by weight of down and waterfowl plumage and of which down com- prises 35 percent or more by weight; containing 10 percent or more by wright of down:			
6211.20.04	Anoraks (including ski- jackets), windbreakers and similar articles (in- cluding padded, sleeve- less jackets) imported as parts of suits	0.7%	Free (AU, BH, CA, CL, E*, IL, JO, MX, P, SG) 0.3% (MA)	60%

6 (5) By striking subheading 6211.32.00 and in-
 7 serting the following, with the article description for
 8 subheading 6211.32 having the same degree of in-
 9 dentation as the article description for subheading
 10 6211.32.00 (as in effect on the day before the date
 11 of the enactment of this Act):

6211.32	Of cotton:				
6211.32.05	Recreational performance outerwear	Free			90%
6211.32.10	Other	8.1%	Free (AU, BH, CA, CL, IL, JO, MX, P, SG) 2.4% (MA)		90%

1 (6) By striking subheading 6211.33.00 and in-
 2 sserting the following, with the article description for
 3 subheading 6211.33 having the same degree of in-
 4 dentation as the article description for subheading
 5 6211.33.00 (as in effect on the day before the date
 6 of the enactment of this Act):

6211.33	Of man-made fibers:				
6211.33.05	Recreational performance outerwear	Free			76%
6211.33.10	Other	16%	Free (AU, BH, CA, CL, IL, JO, MX, P, SG) See 9912.62.99- 9912.63.00 (MA)		76%

7 (7) By striking subheadings 6211.39 and
 8 6211.39.05 and inserting the following, with the ar-
 9 ticle description for subheading 6211.39 having the
 10 same degree of indentation as the article description
 11 for subheading 6211.39 (as in effect on the day be-
 12 fore the date of the enactment of this Act):

6211.39	Of other textile materials:				
6211.39.04	Recreational performance outerwear	Free			
6211.39.08	Of wool or fine animal hair	12%	Free (AU, BH, CA, CL, IL, JO, MX, P, SG) 3.7% (MA)		58.5%

13 (8) By striking subheading 6211.41.00 and in-
 14 sserting the following, with the article description for

1 subheading 6211.41 having the same degree of in-
 2 dentation as the article description for subheading
 3 6211.41.00 (as in effect on the day before the date
 4 of the enactment of this Act):

6211.41	Of wool or fine animal hair:			
6211.41.05	Recreational performance outerwear	Free		58.5%
6211.41.10	Other	12%	Free (BH, CA, CL, IL, JO, MX, P, SG) 3.7% (MA) 10.8% (AU)	58.5%

5 (9) By striking subheading 6211.42.00 and in-
 6 sserting the following, with the article description for
 7 subheading 6211.42 having the same degree of in-
 8 dentation as the article description for subheading
 9 6211.42.00 (as in effect on the day before the date
 10 of the enactment of this Act):

6211.42	Of cotton:			
6211.42.05	Recreational performance outerwear	Free		90%
6211.42.10	Other	8.1%	Free (BH, CA, CL, IL, JO, MX, P, SG) 7.2% (AU) See 9912.63.01- 9912.63.02 (MA)	90%

11 (10) By striking subheading 6211.43.00 and in-
 12 sserting the following, with the article description for
 13 subheading 6211.43 having the same degree of in-
 14 dentation as the article description for subheading
 15 6211.43.00 (as in effect on the day before the date
 16 of the enactment of this Act):

6211.43	Of man-made fibers:			
6211.43.05	Recreational performance outerwear	Free		90%

6211.43.10	Other	16%	Free (BH, CA, CL, IL, JO, MX, P, SG) 4.8% (MA) 15.5% (AU)	90%	”.
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1 (c) ADDITIONAL CLASSIFICATIONS.—Chapter 62 of
 2 the Harmonized Tariff Schedule of the United States is
 3 further amended as follows:

4 (1) By inserting in numerical sequence the fol-
 5 lowing new subheading, with the article description
 6 having the same degree of indentation as the article
 7 description for subheading 6201.12.10:

“ | 6201.12.05 | Recreational performance outerwear | Free | | 60% | ”.

8 (2) By inserting in numerical sequence the fol-
 9 lowing new subheading, with the article description
 10 having the same degree of indentation as the article
 11 description for subheading 6201.13.10:

“ | 6201.13.05 | Recreational performance outerwear | Free | | 60% | ”.

12 (3) By inserting in numerical sequence the fol-
 13 lowing new subheading, with the article description
 14 having the same degree of indentation as the article
 15 description for subheading 6201.19.10:

“ | 6201.19.05 | Recreational performance outerwear | Free | | 35% | ”.

16 (4) By inserting in numerical sequence the fol-
 17 lowing new subheading, with the article description
 18 having the same degree of indentation as the article
 19 description for subheading 6201.91.10:

“ | 6201.91.05 | Recreational performance outerwear | Free | | 58.5% | ”.

1 (5) By inserting in numerical sequence the fol-
 2 lowing new subheading, with the article description
 3 having the same degree of indentation as the article
 4 description for subheading 6201.92.10:

“ | 6201.92.05 | Recreational performance outerwear | Free | | 60% | ”.

5 (6) By inserting in numerical sequence the fol-
 6 lowing new subheading, with the article description
 7 having the same degree of indentation as the article
 8 description for subheading 6201.93.10:

“ | 6201.93.05 | Recreational performance outerwear | Free | | 60% | ”.

9 (7) By inserting in numerical sequence the fol-
 10 lowing new subheading, with the article description
 11 having the same degree of indentation as the article
 12 description for subheading 6201.99.10:

“ | 6201.99.05 | Recreational performance outerwear | Free | | 35% | ”.

13 (8) By inserting in numerical sequence the fol-
 14 lowing new subheading, with the article description
 15 having the same degree of indentation as the article
 16 description for subheading 6202.12.10:

“ | 6202.12.05 | Recreational performance outerwear | Free | | 60% | ”.

17 (9) By inserting in numerical sequence the fol-
 18 lowing new subheading, with the article description
 19 having the same degree of indentation as the article
 20 description for subheading 6202.13.10:

“ | 6202.13.05 | Recreational performance outerwear | Free | | 60% | ”.

1 (10) By inserting in numerical sequence the fol-
 2 lowing new subheading, with the article description
 3 having the same degree of indentation as the article
 4 description for subheading 6202.19.10:

“ | 6202.19.05 | Recreational performance outerwear | Free | | 35% | ”.

5 (11) By inserting in numerical sequence the fol-
 6 lowing new subheading, with the article description
 7 having the same degree of indentation as the article
 8 description for subheading 6202.91.10:

“ | 6202.91.05 | Recreational performance outerwear | Free | | 58.5% | ”.

9 (12) By inserting in numerical sequence the fol-
 10 lowing new subheading, with the article description
 11 having the same degree of indentation as the article
 12 description for subheading 6202.92.10:

“ | 6202.92.05 | Recreational performance outerwear | Free | | 60% | ”.

13 (13) By inserting in numerical sequence the fol-
 14 lowing new subheading, with the article description
 15 having the same degree of indentation as the article
 16 description for subheading 6202.93.10:

“ | 6202.93.05 | Recreational performance outerwear | Free | | 60% | ”.

17 (14) By inserting in numerical sequence the fol-
 18 lowing new subheading, with the article description
 19 having the same degree of indentation as the article
 20 description for subheading 6202.99.10:

“ | 6202.99.05 | Recreational performance outerwear | Free | | 35% | ”.

1 (15) By inserting in numerical sequence the fol-
 2 lowing new subheading, with the article description
 3 having the same degree of indentation as the article
 4 description for subheading 6203.42.10:

“ | 6203.42.05 | Recreational performance outerwear | Free | | 60% | ”.

5 (16) By inserting in numerical sequence the fol-
 6 lowing new subheading, with the article description
 7 having the same degree of indentation as the article
 8 description for subheading 6203.43.10:

“ | 6203.43.05 | Recreational performance outerwear | Free | | 60% | ”.

9 (17) By inserting in numerical sequence the fol-
 10 lowing new subheading, with the article description
 11 having the same degree of indentation as the article
 12 description for subheading 6203.49.10:

“ | 6203.49.05 | Recreational performance outerwear | Free | | 76% | ”.

13 (18) By inserting in numerical sequence the fol-
 14 lowing new subheading, with the article description
 15 having the same degree of indentation as the article
 16 description for subheading 6204.61.10:

“ | 6204.61.05 | Recreational performance outerwear | Free | | 58.5% | ”.

17 (19) By inserting in numerical sequence the fol-
 18 lowing new subheading, with the article description
 19 having the same degree of indentation as the article
 20 description for subheading 6204.62.10:

“ | 6204.62.05 | Recreational performance outerwear | Free | | 60% | ”.

1 (20) By inserting in numerical sequence the fol-
 2 lowing new subheading, with the article description
 3 having the same degree of indentation as the article
 4 description for subheading 6204.63.10:

“ | 6204.63.05 | Recreational performance outerwear | Free | | 60% | ”.

5 (21) By inserting in numerical sequence the fol-
 6 lowing new subheading, with the article description
 7 having the same degree of indentation as the article
 8 description for subheading 6204.69.10:

“ | 6204.69.05 | Recreational performance outerwear | Free | | 76% | ”.

9 (22) By inserting in numerical sequence the fol-
 10 lowing new subheading, with the article description
 11 having the same degree of indentation as the article
 12 description for subheading 6210.10.20:

“ | 6210.10.05 | Recreational performance outerwear | Free | | 26.5% | ”.

13 (23) By inserting in numerical sequence the fol-
 14 lowing new subheading, with the article description
 15 having the same degree of indentation as the article
 16 description for subheading 6210.20.30:

“ | 6210.20.05 | Recreational performance outerwear | Free | | 65% | ”.

17 (24) By inserting in numerical sequence the fol-
 18 lowing new subheading, with the article description
 19 having the same degree of indentation as the article
 20 description for subheading 6210.30.30:

“ | 6210.30.05 | Recreational performance outerwear | Free | | 65% | ”.

1 (25) By inserting in numerical sequence the fol-
 2 lowing new subheading, with the article description
 3 having the same degree of indentation as the article
 4 description for subheading 6210.40.30:

“ | 6210.40.05 | Recreational performance outerwear | Free | | 65% | ”.

5 (26) By inserting in numerical sequence the fol-
 6 lowing new subheading, with the article description
 7 having the same degree of indentation as the article
 8 description for subheading 6210.50.30:

“ | 6210.50.05 | Recreational performance outerwear | Free | | 65% | ”.

9 (27) By inserting in numerical sequence the fol-
 10 lowing new subheading, with the article description
 11 having the same degree of indentation as the article
 12 description for subheading 6211.49.10:

“ | 6211.49.05 | Recreational performance outerwear | Free | | 35% | ”.

13 **SEC. 5. SUSTAINABLE TEXTILE AND APPAREL RESEARCH**
 14 **FUND.**

15 (a) ESTABLISHMENT.—There is established in the
 16 Treasury of the United States the Sustainable Textile and
 17 Apparel Research Fund (in this section referred to as the
 18 “STAR Fund”) for a period of 10 years beginning on the
 19 date of the enactment of this Act.

20 (b) DEPOSITS.—There shall be deposited into the
 21 STAR Fund amounts equal to the fees collected on rec-
 22 reational performance outerwear under subsection (d).

1 (c) BOARD OF DIRECTORS.—The STAR Fund shall
2 be administered by a board of directors (in this section
3 referred to as the “Board”) composed of the following
4 members:

5 (1) The Secretary of Commerce.

6 (2) Four individuals, familiar with the perform-
7 ance textile industry, including the production of
8 raw materials and the finished products thereof, who
9 shall be appointed by the President. At least three
10 such members shall be representatives of entities
11 that pay the fees imposed upon the importation of
12 recreational performance outerwear under subsection
13 (d).

14 (d) FUNDING.—

15 (1) FEE.—In addition to any other fee author-
16 ized by law, the Secretary of the Treasury shall
17 charge and collect upon entry for consumption, or
18 withdrawal for consumption, a fee of 1.5 percent of
19 the appraised value of imported goods (as deter-
20 mined under section 402 of the Tariff Act of 1930;
21 19 U.S.C. 1401a) that are classifiable under the
22 Harmonized Tariff Schedule of the United States as
23 recreational performance outerwear as defined in
24 U.S. Note 2 to chapter 61 and U.S. Note 3 to chap-

1 ter 62 of the Harmonized Tariff Schedule of the
2 United States.

3 (2) EXCLUSIONS.—The assessment of fees
4 under paragraph (1) shall not apply to imports of
5 recreational performance outerwear from the fol-
6 lowing:

7 (A) Any country that is party to a free
8 trade agreement with the United States that is
9 in effect on the date of the enactment of this
10 Act, or that enters into force under the Bipar-
11 tisan Trade Promotion Authority Act of 2002
12 (19 U.S.C. 3801 et seq.), or similar subsequent
13 authority.

14 (B) Any country designated as a CBTPA
15 beneficiary country under section 213(b)(5)(B)
16 of the Caribbean Basin Economic Recovery Act
17 (19 U.S.C. 2703(b)(5)(B)).

18 (C) Any country designated as a bene-
19 ficiary sub-Saharan African country under sec-
20 tion 506A(a)(1) of the Trade Act of 1974 (19
21 U.S.C. 2466a(a)(1)), if the President has deter-
22 mined that the country has satisfied the re-
23 quirements of section 113 of the African
24 Growth and Opportunity Act (19 U.S.C. 3722),

1 and has published that determination in the
2 Federal Register.

3 (D) Any country designated as an
4 ATPDEA beneficiary country under section
5 204(b)(6)(B) of the Andean Trade Preference
6 Act (19 U.S.C. 3203(b)(6)(B)).

7 (3) TERMINATION.—The fee under paragraph
8 (1) shall apply only to entries, or withdrawals from
9 warehouse for consumption, that are made during
10 the 10-year period described in subsection (a).

11 (e) DISTRIBUTION.—

12 (1) QUARTERLY DISTRIBUTIONS.—The Sec-
13 retary of Commerce, upon a majority vote of the
14 Board, taken annually, shall, not later than 60 days
15 after the end of each calendar quarter, distribute
16 amounts in the STAR Fund to one or more entities
17 that the Board considers appropriate to use the
18 funds in accordance with subsection (f).

19 (2) ELIGIBILITY REQUIREMENTS.—An entity
20 may receive funds under paragraph (1) only if the
21 entity—

22 (A) is an organization described in section
23 501(c)(6) of the Internal Revenue Code of 1986
24 that is exempt from tax under section 501(a) of
25 such Code;

1 (B) is an organization having at least 10
2 years of experience providing applied research,
3 technology development, and education to all
4 parts of the textile and apparel supply chain,
5 with a research capability demonstrated
6 through past research programs involving sup-
7 ply chain management, product development, fit
8 specifications, operations management, lean
9 manufacturing, and digital supply chain tech-
10 nologies on behalf of the sewn products indus-
11 try in the United States; and

12 (C) is comprised of members representing
13 the following segments of the supply chain:

14 (i) One or more of the following types
15 of producers: fiber, yarn, or fabric pro-
16 ducers in the United States.

17 (ii) Apparel producers in the United
18 States.

19 (iii) Retail companies in the United
20 States.

21 (f) USE OF FUNDS.—Funds distributed under sub-
22 section (e) may only be used to conduct applied research,
23 development, and education activities to enhance the com-
24 petitiveness of businesses in the United States in clean,

1 eco-friendly apparel, other textile and apparel articles, and
2 sewn-product design and manufacturing.

3 (g) REQUIREMENTS.—The Secretary of Commerce
4 may impose such requirements on the use of funds distrib-
5 uted under subsection (e) as the Secretary considers nec-
6 essary to ensure compliance with subsection (f), including
7 requiring reporting and assurances by the entities using
8 the funds.

9 (h) REPORTS TO CONGRESS.—The Secretary of Com-
10 merce shall submit to the Congress a report, not later than
11 April 1 of each year, explaining in detail how amounts in
12 the STAR Fund were distributed under subsection (e) and
13 used under subsection (f) during the preceding calendar
14 year.

15 **SEC. 6. EFFECTIVE DATE.**

16 This Act and the amendments made by this Act apply
17 to goods entered, or withdrawn from warehouse for con-
18 sumption, on or after the 15th day after the date of the
19 enactment of this Act.

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