General Background

The safeguard provisions and mechanics are part of an agreement signed by China, the United States, and all other WTO members that permitted China’s accession to the WTO. The right to implement safeguards is a right shared by all WTO members, and avoiding disruptive shifts in trade patterns is in the interests of all parties. The textile portion of the China WTO accession agreement allows WTO members that believe imports of Chinese origin textile and apparel products are, due to market disruption, threatening to impede the orderly development of trade in these products to request consultations with China with a view to easing or avoiding such market disruption.

Safeguards are not used indiscriminately, but are only to be imposed in the event imports of textiles and apparel from China cause market disruption or threaten the orderly development of trade. Such increases in the U.S. market have in fact occurred, prompting the U.S. to impose safeguards on several specific textile categories and to consider the imposition of safeguards on other categories. The safeguards, if imposed, are temporary, limited in time and in scope, and are specific to certain items. Countries have authority to impose safeguards through the end of 2008.

When imposed, safeguards do not stop growth in apparel exports to the U.S. market; they allow for 7.5% increases in the restricted items. The 7.5% growth is measured against the amount entered during the first 12 months of the most recent 14 months preceding the request for consultations. Allowable growth of 7.5% in products subject to safeguards is about twice the recent growth rate for the U.S. retail market for textile products and is on top of the growth that has already occurred. Imports in other categories can grow without limits.

The Committee for the Implementation of Textile Agreements (CITA) is a joint committee responsible for evaluating use of the safeguards in the U.S. market. The committee employs a transparent process that allows for the views of various affected parties to be considered.

China is the world's largest textile manufacturing nation, and is therefore highly valued as a trading partner by both buyers and sellers. For the same reasons, it's no surprise that China can also be seen by many as a threat to established trading patterns. Safeguards are a way to ease the transition from a quota restricted market to an open trading system. As the world's largest market for textile products, the U.S. is already a huge importer of Chinese textiles. The U.S. will undoubtedly continue to increase its purchases of Chinese textile and apparel, as safeguards, to date, have only been imposed on a few items. In general, the textile safeguards are a temporary measure designed to help ensure this trade evolves in a more orderly fashion.
Safeguard Use to Date

Due to the tremendous rise in Chinese textile exports to the U.S., procedures were initiated in 2003 to enact textile safeguards on three categories: knit fabric, cotton/MMF brassieres, and cotton/MMF dressing gowns. In November 2003, the U.S. Department of Commerce announced that CITA approved petitions requesting the enactment of textile safeguard provisions on knit fabric, brassieres, and dressing gowns. In late December 2003, the Administration formally requested consultations with China under the special textile safeguard provisions contained in the U.S.-China WTO agreement. The request for consultations automatically triggered the quota provisions of the textile products listed above. No agreement on limiting imports was reached, and the U.S. limited the level of shipments of knit fabric, cotton/MMF brassieres, and cotton/MMF dressing gowns from China for the period December 24, 2003 through December 23, 2004.

In June 2004, CITA received a petition seeking safeguards on sock imports from China. The federal government approved the safeguard petition and requested consultations with China in October 2004. At that time, the U.S. established a twelve-month limit on sock imports from China at a level of 42,433,990 dozen pairs from October 29, 2004 through October 28, 2005. This quota was filled on May 12, 2005.

Beginning in the fall of 2004, a coalition of U.S. textile interests, including the National Council of Textile Organizations (NCTO) and the American Manufacturing Trade Action Coalition (AMTAC), with the support of the NCC, filed 12 safeguard petitions. The petitions covered cotton trousers, MMF trousers, wool trousers, cotton knit shirts, MMF knit shirts, cotton/MMF woven shirts, cotton/MMF underwear, combed cotton yarn, and other synthetic filament fabric. Renewal petitions were also filed for knit fabric, cotton/MMF brassieres, and cotton/MMF dressing gowns and robes. U.S. imports from China of these categories were 661 million SME for calendar 2004, an increase of 128% when compared to 2001.

CITA accepted most of the petitions for investigation and was expected to make a final decision regarding import relief in January or February of this year. However, in early January, the Court of International Trade imposed a preliminary injunction halting CITA’s further consideration of the petitions. The ruling was made at the request of the U.S. Association of Importers of Textiles and Apparel, a trade group representing U.S. retailers. The trade group filed a lawsuit seeking to block the safeguard filings in December 2004.

On April 4, 2005, CITA announced that the U.S. government will self-initiate textile safeguard proceedings against China in six product categories to determine whether they are contributing to U.S. market disruption. Self-initiation of textile safeguards is authorized by terms of China’s World Trade Organization (WTO) accession agreement and expedites their implementation, more so than the process through which the
industry submits petitions. Industry observers estimate that a final decision on the self-initiated petitions could be reached within five weeks. The six product categories cover three major types of cotton apparel:

- Cotton Knit Shirts and Blouses (categories 338 & 339)
- Cotton Trousers (categories 347 & 348)
- Cotton and Manmade Fiber Underwear (categories 352 & 652)

According to the U.S. government’s early monitoring data, knit shirt imports were up 1,258 percent during the first quarter of 2005 compared with the same period in 2004; for trousers the increase was 1,521 percent; and for underwear, 308 percent.

CITA published a Federal Register notice on April 8, 2005 that provides a 30-day period for public comment, after which the agency has up to 60 days to render a final decision. If a decision cannot be reached within 60 days, CITA can extend the period but it must announce when the decision will be made.

On April 6, 2005, a coalition of U.S. textile interests filed safeguard petitions with CITA on several additional textile and apparel categories. The categories are as follows:

- Cotton and Manmade Fiber Shirts, Not Knit (categories 340 & 640)
- Cotton and Manmade Fiber Sweaters (categories 345, 645, & 646)
- Cotton and Manmade Fiber Brassieres (categories 349 & 649)
- Cotton and Manmade Fiber Dressing Gowns (categories 350 & 650)
- Other Synthetic Filament Fabric (category 620)
- Manmade Fiber Knit Shirts (categories 638 & 639)
- Manmade Fiber Trousers (categories 647 & 648)

In March 2005, the U.S. Department of Commerce announced implementation of a significantly improved import monitoring system, which makes import data available much quicker than was possible under the conventional system. The improved monitoring system, together with self-initiation of safeguard procedures by CITA, provides a means by which action can be taken before major market disruption occurs.

On April 27, 2005 the US Federal Court of Appeals lifted the preliminary injunction issued by the Court of International Trade. The injunction, which was issued in early January, had prevented the US government from moving ahead on 12 threat-based textile safeguard cases filed by NCTO and other trade associations last fall.

On April 28, 2005 CITA accepted for further review the safeguard petitions filed by the textile industry on April 6, 2005.

On May 13, 2005 CITA announced that it had made affirmative decisions on the three self-initiated textile safeguard cases (categories 338 & 339, categories 347 & 348, and categories 352 & 652) that were initiated in April 2005. The 30 day comment period for these self-initiated cases ended on Monday, May 9. On May 23, 2005, the Administration formally requested consultations with China under the special textile safeguard provisions contained in the U.S.-China WTO agreement. The request for consultations automatically triggered the quota provisions of the textile products listed
above. The safeguard quotas on these categories are effective May 23, 2005 through December 31, 2005. The quotas are as follows:

- Cotton Knit Shirts and Blouses (categories 338 & 339) – 4,704,115 doz. (quota filled July 5, 2005)
- Cotton Trousers (categories 347 & 348) – 4,340,638 doz. – (quota filled July 8, 2005)
- Cotton and Manmade Fiber Underwear (categories 352 & 652) – 5,062,892 doz. (quota filled July 5, 2005)

On May 18, 2005 CITA announced that it had made affirmative decisions on four threat-based textile safeguard cases that it was prohibited from considering until April 27, 2005. The safeguard quotas on these categories are effective May 27, 2004 through December 31, 2005. The four cases were for the following categories:

- Combed Cotton Yarn (category 301) – 1,450,777 kg.
- Men’s & Boys’ Cotton and Manmade Fiber Shirts, Not Knit (categories 340 & 640) – 2,213,126 doz.
- Manmade Fiber Knit Shirts (categories 638 & 639) – 2,844,383 doz. (quota filled July 12, 2005)
- Manmade Fiber Trousers (categories 647 & 648) – 2,660,678 doz. (quota filled August 3, 2005)

A safeguard petition on cotton and man-made fiber curtains and draperies (categories 369 part and 666 part) was refiled on June 22 because the U.S. government rejected the original petition for technical reasons on June 21. CITA accepted this petition for further review on July 14, 2005. This launched a 30-day period during which interested parties may submit comments on the request. CITA will then make a final decision within 60 calendar days of the close of the public comment period. If CITA makes an affirmative determination that imports of cotton and manmade fiber curtains and drapery from China are disrupting the U.S. market, CITA will request consultations with China. As of the date consultations are requested, a quota would be put in place to limit U.S. imports from China of cotton and manmade fiber curtains and drapery with respect to which CITA has reached an affirmative determination of market disruption. Consultations would then be held within 30 days of China’s receipt of the request for consultations with a time frame to reach an agreement within 90 days of receipt of the request for consultations.

On July 8, a petition was filed with CITA to limit imports from China of cotton, wool, and man-made fiber socks (categories 332/432 and 632 part). At the time this petition was filed, there was already a safeguard on these categories which is due to expire October 28, 2005.

On Monday, July 11, the US textile industry filed petitions with CITA to limit imports from China on 4 textile and apparel categories. The categories are:

- Women’s & Girls’ Cotton and Manmade Fiber Shirts, Not Knit (categories 341 & 641)
- Cotton and Manmade Fiber Skirts (categories 342 & 642)
• Cotton and Manmade Fiber Nightwear (categories 351 & 651)
• Cotton and Manmade Fiber Swimwear (categories 359-S & 659-S)

On August 1, CITA announced that it was extending the period for making decisions on six pending textile safeguard cases in order to consult with domestic textile and apparel industries and members of Congress concerning whether to pursue a broader agreement with China on imports of Chinese textile and apparel products to the United States. The period for making a decision on whether to request consultations with China regarding imports of the following categories was extended until August 31, 2005:

• Cotton and Manmade Fiber Sweaters (categories 345/645/646)
• Cotton and Manmade Fiber Brassieres (categories 349 & 649)
• Cotton and Manmade Fiber Dressing Gowns and Robes (categories 350 & 650)
• Knit Fabric (category 222)
• Men’s and Boys’ Wool Trousers (category 447)
• Other Synthetic Filament Fabric (category 620)

The determination period for two of the above cases (Men’s and Boys’ Wool Trousers – category 447 and Other Synthetic Filament Fabric – category 620) was previously extended through July 31.

CITA also published federal register notices on August 1 announcing that safeguard requests for the following categories were accepted for review:

• Cotton, Wool and Manmade Fiber Socks (categories 332 & 432 and 632 part)
• Women’s and Girls’ Woven Shirts and Blouses (categories 341 & 641)
• Cotton and Manmade Skirts (categories 342 & 642)
• Cotton and Manmade Nightwear (categories 351 & 651)
• Cotton and Manmade Swimwear (categories 359-S & 659-S)

This launched a 30-day period during which interested parties may submit comments on the request.

On September 1, CITA announced that it was extending the period for making decisions on four pending textile safeguard cases. The period for making a decision on whether to request consultations with China regarding imports of the following categories was extended until October 1, 2005:

• Cotton and Manmade Fiber Sweaters (categories 345/645/646)
• Cotton and Manmade Fiber Dressing Gowns and Robes (categories 350 & 650)
• Knit Fabric (category 222)
• Men’s and Boys’ Wool Trousers (category 447)

The determination period for the above cases was previously extended through August 31.

CITA also announced on September 1 that it had made affirmative decisions on safeguard cases for cotton and manmade fiber brassieres (categories 349 & 649) and other synthetic filament fabric (category 620). The safeguard quotas on these categories are effective August 31, 2005 through December 31, 2005. The quotas are as follows:
• Cotton and Manmade Fiber Brassieres (categories 349 & 649) – 7,275,216 doz.
• Other Synthetic Filament Fabric (category 620) – 12,328,306 square meters

On Wednesday, September 14, the US textile industry filed petitions with the CITA to reapply 9 current safeguards covering 16 product categories, including cotton shirts, cotton trousers, cotton underwear and brassieres, and cotton yarn. The current safeguards on these categories expire on December 31 of this year. If accepted and approved, the import limits imposed by these new safeguards petition would expire at the end of 2006. The categories are:

• Combed Cotton Yarn (category 301)
• Cotton Knit Shirts and Blouses (categories 338 & 339)
• Cotton and Manmade Fiber Shirts, Not Knit (categories 340 & 640)
• Cotton Trousers (categories 347 & 348)
• Cotton and Manmade Fiber Brassieres (categories 349 & 649)
• Cotton and Manmade Fiber Underwear (categories 352 & 652)
• Other Synthetic Filament Fabric (category 620)
• Manmade Fiber Knit Shirts (categories 638 & 639)
• Manmade Fiber Trousers (categories 647 & 648)

On Wednesday, September 21, the US textile industry filed petitions with CITA to apply safeguards covering 5 product categories. The categories are:

• Cheesecloth, Batistes, Lawns/Voiles (category 226)
• Men’s and Boys’ Wool Suits (category 443)
• Polyester Filament Fabric (category 619)
• Other Men’s and Boys’ MMF Coats and Women’s and Girls’ MMF Coats (categories 634 & 635)

On September 30, CITA announced that it was extending the period for making decisions on four pending textile safeguard cases. The period for making a decision on whether to request consultations with China regarding imports of these categories was extended until November 30, 2005. The determination period of these four cases was previously extended through August 31. The categories are:

• Cotton and Manmade Fiber Sweaters (categories 345/645/646)
• Cotton and Manmade Fiber Dressing Gowns and Robes (categories 350 & 650)
• Cotton and/or Manmade Fiber Knit Fabric (category 222)
• Men’s and Boys’ Wool Trousers (category 447)

On October 5, CITA announced that safeguard requests for the following categories were accepted for review:

• Combed Cotton Yarn (category 301)
Previously, CITA established safeguards that extend through December 31, 2005 for the categories covering combed cotton yarn (category 301), cotton knit shirts (categories 338 & 339), men's and boys' cotton and MMF woven shirts (categories 340 & 640), cotton trousers (categories 347 & 348), cotton and MMF brassieres (categories 349 & 649), cotton and MMF underwear (categories 352 & 652), other synthetic filament fabric (category 620), MMF knit shirts (categories 638 & 639), and MMF trousers (categories 647 & 648). If these new petitions are approved, the import limits imposed by these new safeguards petition would expire at the end of 2006.

On October 11, the US textile industry filed a petition with CITA to apply safeguards to cotton terry and other pile towels (category 363).

On October 17, CITA announced that it was extending the period for making decisions on one of the pending textile safeguard cases. The period for making a decision on whether to request consultations with China regarding imports of cotton and MMF curtains and drapery (categories 369 part & 666 part) has been extended until November 30, 2005. CITA extended the determination period in order to continue evaluating production data for cotton and MMF curtains and drapery.

On November 1, CITA announced that the safeguard petition for cotton terry and other pile towels (category 363) was accepted for review. On the same day, CITA decided to extend until November 8, 2005, the period for making determinations on whether to request consultations with China regarding imports of the following categories:

- Women's and Girls’ Woven Shirts and Blouses (categories 341 & 641)
- Cotton and Manmade Skirts (categories 342 & 642)
- Cotton and Manmade Nightwear (categories 351 & 651)
- Cotton and Manmade Swimwear (categories 359-S & 659-S)

CITA also decided to extend until December 31, 2005, the period for making a determination on whether to request consultations with China regarding imports of cotton, wool and man-made socks (category 332/432 and 632 Part).
On November 1, the Office of the United States Trade Representative and People’s Republic of China Ministry of Commerce signed an agreement on Chinese sock imports. The agreement puts in place a new quota of slightly more than 10 million dozen pairs on imports of Chinese cotton, wool and man-made fiber socks (categories 332, 432, and 632 part). The agreement permits the Committee for the Implementation of Textile Agreements (CITA) to delay action until the end of December on a sock industry request to renew a year-long sock safeguard quota that expired on October 28 while the Administration continued with negotiations on a broad textile agreement with China. If CITA had invoked the sock safeguard on November 1, imports of socks from China for the next 12 months would have been limited to slightly more than 61 million dozen pairs.

On Tuesday, November 8, the U.S. and China signed a broad agreement on Chinese textile imports into the U.S. The agreement goes into effect on January 1, 2006 and ends on December 31, 2008 and places quotas on a broader range of textile and apparel products (34) than are currently subject to China safeguards (19). The quotas established under the agreement compare favorably to quotas that would have been imposed if China textile safeguards were invoked. Over the life of the agreement, China can export 3.2% more of the covered products to the U.S. than if the safeguards were invoked on all of the covered products for all three years. In general, U.S. imports of Chinese goods covered by the agreement are allowed to grow by 10 to 12.5 percent in 2006, 12.5% in 2007, and 15 to 16 percent in 2008, depending on the item imported. Furthermore, in 2006, the agreement imposes tighter limits on U.S. imports from China of “core” apparel products. The “core” apparel products are cotton knit shirts, MMF knit shirts, woven shirts, cotton trousers, MMF trousers, brassieres, and underwear. Other items covered by the agreement include combed cotton yarn, cotton towels, glass fiber fabric, knit fabric, polyester filament fabric, special purpose fabric, synthetic filament fabric and thread, sweaters, socks/baby socks, swimwear, and blinds.

As part of the agreement, the U.S. promised to exercise restraint in the future use of safeguards on products that are not covered by the agreement. The agreement also contains mechanisms to allow U.S. importers and the Chinese government to manage quotas to avoid overshipments. For example, China will manage its exports with a visa system and can borrow small amounts of quota from future years to cover overshipments.

On November 10, CITA announced its decision to extend until November 30, 2005, the period for making determinations on imports of the following categories because they were evaluating the implications of the U.S. and China textile agreement on the pending safeguard requests:

- Women’s and Girls’ Woven Shirts and Blouses (categories 341 & 641)
- Cotton and Manmade Skirts (categories 342 & 642)
- Cotton and Manmade Nightwear (categories 351 & 651)
- Cotton and Manmade Swimwear (categories 359-S & 659-S)
On November 23, CITA announced that it has ended further consideration of all pending textile safeguard petitions due to the broad agreement on textile trade between the United States and China. The agreement establishes conditions on trade in the vast majority of products covered by these cases and provides a general framework for textile trade between the United States and China.

The tables below summarize the (December 15, 2005) status of textile safeguard actions that have been taken by the U.S. to date.
## Active Safeguards

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Quota Period</th>
<th>Quota Level</th>
<th>% Filled As Of</th>
<th>Imports From China % Change from Previous Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>301</td>
<td>Combed Cotton Yarn</td>
<td>May 27, 2005 – Dec. 31, 2005</td>
<td>1,450,777 Kg.</td>
<td>70.9%</td>
<td>Dec. 15, 2005</td>
</tr>
<tr>
<td>340/640</td>
<td>M&amp;B Cotton &amp; MMF Shirts, Not Knit</td>
<td>May 27, 2005 – Dec. 31, 2005</td>
<td>2,213,126 Doz.</td>
<td>100%</td>
<td>Nov. 21, 2005</td>
</tr>
<tr>
<td>638/639</td>
<td>MMF Knit Shirts</td>
<td>May 27, 2005 – Dec. 31, 2005</td>
<td>2,844,383 Doz.</td>
<td>100%</td>
<td>July 12, 2005</td>
</tr>
</tbody>
</table>

### Imports From China % Change from Previous Year

- 338/339: 731%
- 347/348: 972%
- 352/652: 309%
- 301: 9%
- 340/640: 185%
- 638/639: 252%
- 647/648: 210%
- 349/649: 20%
- 620: 1326%
<table>
<thead>
<tr>
<th>Group</th>
<th>Category</th>
<th>Description</th>
<th>Date Initiated</th>
<th>Status</th>
<th>Imports From China % Change from Previous Year</th>
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</thead>
<tbody>
<tr>
<td>First Safeguards Enacted</td>
<td>222</td>
<td>Knit Fabric</td>
<td>July 24, 2003</td>
<td>Expired Dec. 24, 2003</td>
<td>49%</td>
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<tr>
<td></td>
<td>349/649</td>
<td>Cotton &amp; MMF Brassieres</td>
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<td>20%</td>
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<tr>
<td></td>
<td>350/650</td>
<td>Cotton &amp; MMF Dressing Gowns</td>
<td></td>
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<td>7%</td>
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<td></td>
<td>340/640</td>
<td>M&amp;B Cotton &amp; MMF Shirts, Not Knit</td>
<td>Oct. 13, 2004</td>
<td></td>
<td>185%</td>
</tr>
<tr>
<td></td>
<td>620</td>
<td>Other Synthetic Filament Fabric</td>
<td>Nov. 8, 2004</td>
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<td>1326%</td>
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<td>222</td>
<td>Knit Fabric</td>
<td>Nov. 19, 2004</td>
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<td>49%</td>
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<td></td>
<td>350/650</td>
<td>Cotton &amp; MMF Dressing Gowns</td>
<td>Nov. 24, 2004</td>
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<td>7%</td>
</tr>
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<td>447</td>
<td>M&amp;B Wool Trousers</td>
<td>Nov. 12, 2004</td>
<td>CITA Rescheduled Comment Period -Nov. 30, 2005</td>
<td>225%</td>
</tr>
<tr>
<td>Part Numbers</td>
<td>Description</td>
<td>Start Date</td>
<td>End Date</td>
<td>Percentage</td>
<td></td>
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<tr>
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<tr>
<td>632 part</td>
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<td>620</td>
<td>Other Synthetic Filament Fabric</td>
<td>Effective Aug. 31, 2005 – Dec. 31, 2005</td>
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<td>369 part /</td>
<td>Cotton &amp; MMF Curtains &amp; Drapery</td>
<td>June 22, 2005</td>
<td>CITA Rescheduled Comment Period - Nov. 30, 2005</td>
<td>25%</td>
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<td>666 part</td>
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<td>632 part</td>
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<tr>
<td>341/641</td>
<td>W&amp;G Cotton &amp; MMF Shirts, Not Knit</td>
<td>July 11, 2005</td>
<td>CITA Rescheduled Period for Making Consultations w/ China - Nov. 30, 2005</td>
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<tr>
<td>342/642</td>
<td>Cotton &amp; MMF Skirts</td>
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<td>839%</td>
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<tr>
<td>351/651</td>
<td>Cotton &amp; MMF Nightwear</td>
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<td>595%</td>
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<td>Code</td>
<td>Item Description</td>
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<td>CITA Status</td>
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<tr>
<td>359-S/659-S</td>
<td>Cotton &amp; MMF Swimwear</td>
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<td>226</td>
<td>Cheesecloth, Batistes, Lawns/Voiles</td>
<td>Sept. 21, 2005</td>
<td>CITA Accepted for Further Review - Oct. 5, 2005</td>
<td>284%</td>
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<td>443</td>
<td>M&amp;B Wool Suits</td>
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<td>619</td>
<td>Polyester Filament Fabric, Lightweight</td>
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<td>1307%</td>
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<tr>
<td>634/635</td>
<td>Other M&amp;B MMF Coats and W&amp;G MMF Coats</td>
<td></td>
<td></td>
<td>630%</td>
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<tr>
<td>301</td>
<td>Combed Cotton Yarn</td>
<td></td>
<td></td>
<td>9%</td>
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<tr>
<td>338/339</td>
<td>Cotton Knit Shirts</td>
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<td>731%</td>
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<tr>
<td>340/640</td>
<td>M&amp;B Cotton &amp; MMF Shirts, Not Knit</td>
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<td>347/348</td>
<td>Cotton Trousers</td>
<td>Sept. 14, 2005</td>
<td>CITA Accepted for Further Review - Oct. 5, 2005</td>
<td>972%</td>
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<td>349/649</td>
<td>Cotton &amp; MMF Brassieres</td>
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<tr>
<td>352/652</td>
<td>Cotton &amp; MMF Underwear</td>
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<td>620</td>
<td>Other Synthetic Filament Fabric</td>
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<td>1326%</td>
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<tr>
<td>638/639</td>
<td>MMF Knit Shirts</td>
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<td>252%</td>
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<tr>
<td>647/648</td>
<td>MMF Trousers</td>
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<td>210%</td>
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<tr>
<td>363</td>
<td>Cotton Terry and Other Pile Towels</td>
<td>Oct. 11, 2005</td>
<td>CITA Accepted for Further Review – Nov. 1, 2005</td>
<td>316%</td>
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