



119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Internal Revenue Code of 1986 to establish a domestic cotton consumption credit.

---

IN THE SENATE OF THE UNITED STATES

Mrs. HYDE-SMITH introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**A BILL**

To amend the Internal Revenue Code of 1986 to establish a domestic cotton consumption credit.

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 “Buying American Cot-  
5 ton Act of 2025”.

6 **SEC. 2. DOMESTIC COTTON CONSUMPTION CREDIT.**

7 (a) PURPOSE.—The purposes of this section are—

8 (1) to encourage the consumption of cotton  
9 which originated in the United States, and products  
10 which are made from such cotton, and

1           (2) to document the processing of such cotton  
2           through a trustworthy supply chain tracing system.

3           (b) ALLOWANCE OF CREDIT.—Subpart D of part IV  
4           of subchapter A of chapter 1 of the Internal Revenue Code  
5           of 1986 is amended by adding at the end the following  
6           new section:

7           **“SEC. 45BB. DOMESTIC COTTON CONSUMPTION CREDIT.**

8           “(a) CREDIT ALLOWED.—For purposes of section 38,  
9           the domestic cotton consumption credit determined under  
10          this section for any taxable year is an amount equal to  
11          the product of—

12               “(1) the documented volume of qualified cotton  
13               in an eligible article sold by the taxpayer in a quali-  
14               fying sale during the taxable year,

15               “(2) the applicable percentage, and

16               “(3) the applicable cotton market price.

17          “(b) QUALIFYING SALE; APPLICABLE PERCENTAGE;  
18          APPLICABLE COTTON MARKET PRICE.—

19               “(1) QUALIFYING SALE.—For purposes of this  
20          section—

21                   “(A) IN GENERAL.—The term ‘qualifying  
22                   sale’ means, with respect to any eligible article,  
23                   the first sale of such eligible article to an unre-  
24                   lated person.

1           “(B) EXCEPTION.—Such term shall not in-  
2           clude any sale for use or consumption of an eli-  
3           gible article outside of the United States unless  
4           such sale results in income which is effectively  
5           connected with a trade or business in the  
6           United States.

7           “(C) RELATED PERSONS.—Persons shall  
8           be treated as related to each other if such per-  
9           sons would be treated as a single employer  
10          under the regulations prescribed under section  
11          52(b).

12          “(2) APPLICABLE PERCENTAGE.—For purposes  
13          of subsection (a)(2), the applicable percentage is—

14               “(A) in the case of an eligible article con-  
15               sisting of qualified cotton that—

16                   “(i) was only subject to processing in  
17                   the United States, or

18                   “(ii) in addition to any processing  
19                   that may have occurred within the United  
20                   States, was subject to additional processing  
21                   only in a country or countries with which  
22                   the United States has entered into a free  
23                   trade agreement or for which the United  
24                   States has extended benefits through a

1 unilateral preference program, 24 percent,  
2 and

3 “(B) in the case of an eligible article con-  
4 sisting of qualified cotton that was subject to  
5 additional processing at any stage of its proc-  
6 essing in a country with which the United  
7 States has not entered into a free trade agree-  
8 ment or for which the United States has not ex-  
9 tended benefits through a unilateral preference  
10 program, 18 percent.

11 “(3) APPLICABLE COTTON MARKET PRICE.—  
12 For purposes of this section, the term ‘applicable  
13 cotton market price’ means, with respect to any eli-  
14 gible article, the average market price for qualified  
15 cotton in a recognized international market (as de-  
16 termined by the Secretary, in consultation with the  
17 Secretary of Agriculture) for the 3-calendar year pe-  
18 riod ending with or within the taxable year imme-  
19 diately preceding the taxable year in which the eligi-  
20 ble article is sold.

21 “(c) OTHER DEFINITIONS.—For purposes of this  
22 section—

23 “(1) ELIGIBLE ARTICLE.—

24 “(A) IN GENERAL.—The term ‘eligible ar-  
25 ticle’ means any product which—

1           “(i) is comprised in whole or in part  
2           of qualified cotton which is certified, under  
3           such regulations established by the Sec-  
4           retary in consultation with the Secretary of  
5           Agriculture, as meeting the requirements  
6           of paragraph (2)(B)(ii),

7           “(ii) is in its final condition, and

8           “(iii) is ready for retail sale to a con-  
9           sumer.

10           “(B) EXCEPTION.—Such term shall not in-  
11           clude any product if—

12           “(i) any component of such product is  
13           an eligible article for which a credit has  
14           been allowed, or

15           “(ii) the taxpayer selling such product  
16           has been notified by the person from whom  
17           such a component was acquired that such  
18           person intended to claim such credit.

19           “(C) FINAL CONDITION.—

20           “(i) IN GENERAL.—For purposes of  
21           subparagraph (A)(ii), the term ‘final condi-  
22           tion’ means, with respect to any article,  
23           the physical state in which such article is  
24           presented for sale or sold for immediate re-  
25           sale to a consumer, determined—

1                   “(I) without regard to any de  
2                   minimis augmentation that could be  
3                   performed on it by or on behalf of a  
4                   retailer of the eligible article, and

5                   “(II) without regard to pack-  
6                   aging.

7                   “(ii) DE MINIMIS AUGMENTATION.—  
8                   For purposes of clause (i)(I), the term ‘de  
9                   minimis augmentation’ means any graphics  
10                  or other adornment imposed on or at-  
11                  tached to the article.

12                  “(2) QUALIFIED COTTON.—

13                  “(A) IN GENERAL.—The term ‘qualified  
14                  cotton’ means extra long staple cotton (as de-  
15                  fined in section 1111 of the Agricultural Act of  
16                  2014) or upland cotton (within the meaning of  
17                  section 1207(c) of such Act) which—

18                  “(i) is grown in the United States,  
19                  and

20                  “(ii) meets the proof of origin require-  
21                  ments of subparagraph (B).

22                  “(B) PROOF OF ORIGIN REQUIREMENTS.—  
23                  Cotton meets the proof of origin requirements  
24                  of this subparagraph if—

25                  “(i) such cotton was—

1                   “(I) assigned a permanent bale  
2                   identification number, or

3                   “(II) meets such other require-  
4                   ments as the Secretary, in consulta-  
5                   tion with the Secretary of Agriculture,  
6                   determines is sufficient to prove that  
7                   the cotton originated in the United  
8                   States, and

9                   “(ii) the movement and volume of  
10                  such cotton is digitally traced, under such  
11                  regulations established by the Secretary in  
12                  consultation with the Secretary of Agri-  
13                  culture, through the supply chain from its  
14                  United States origin through to the last  
15                  stage of processing into an eligible article.

16                  “(C) PERMANENT BALE IDENTIFICATION  
17                  NUMBER.—The term ‘permanent bale identi-  
18                  fication number’ means the autogenerated iden-  
19                  tification number assigned by the Secretary of  
20                  Agriculture to a bale of qualified cotton that  
21                  was grown and ginned in the United States.

22                  “(3) FREE TRADE AGREEMENT.—

23                  “(A) IN GENERAL.—Except as provided by  
24                  subparagraph (B), the term ‘free trade agree-

1           ment' means a comprehensive bilateral or re-  
2           gional agreement—

3                   “(i) that covers substantially all trade  
4                   between the parties to the agreement, and

5                   “(ii) with respect to which an imple-  
6                   menting bill (as defined in section 151 of  
7                   the Trade Act of 1974 (19 U.S.C. 2191))  
8                   is enacted into law.

9           “(B) EXCLUSIONS.—The term ‘free trade  
10          agreement’ does not include—

11                   “(i) the WTO Agreement, as defined  
12                   in section 2 of the Uruguay Round Agree-  
13                   ments Act (19 U.S.C. 3501),

14                   “(ii) the agreements specified in  
15                   101(d) of that Act (19 U.S.C. 3511(d)), or

16                   “(iii) any other multilateral agreement  
17                   of the World Trade Organization or any  
18                   successor entity.

19          “(4) UNILATERAL PREFERENCE PROGRAM.—

20                   “(A) IN GENERAL.—Except as provided by  
21                   subparagraph (B), the term ‘unilateral pref-  
22                   erence program’—

23                   “(i) means a program of the United  
24                   States that provides preferential duty  
25                   treatment to textile or apparel articles im-



1 ported from a foreign country that is des-  
2 ignated as a beneficiary of the program,  
3 and

4 “(ii) includes—

5 “(I) the African Growth and Op-  
6 portunity Act (19 U.S.C. 3701 et  
7 seq.) and section 506A of the Trade  
8 Act of 1974 (19 U.S.C. 2466a),

9 “(II) the Caribbean Basin Eco-  
10 nomic Recovery Act (19 U.S.C. 2701  
11 et seq.),

12 “(III) section 915 of the Trade  
13 Facilitation and Trade Enforcement  
14 Act of 2015 (19 U.S.C. 4454), and

15 “(IV) any other provision of  
16 law—

17 “(aa) establishing a program  
18 that provides preferential duty  
19 treatment to textile or apparel  
20 articles imported from a foreign  
21 country that is designated as a  
22 beneficiary of the program, and

23 “(bb) that is enacted after  
24 the date of the enactment of this  
25 section.

1           “(B) EXCLUSION.—The term ‘unilateral  
2           preference program’ does not include the Gen-  
3           eralized System of Preferences under title V of  
4           the Trade Act of 1974 (19 U.S.C. 2461 et  
5           seq.).

6           “(5) PROCESSING.—

7           “(A) IN GENERAL.—The term ‘processing’  
8           means any physical process, or any stage in  
9           such process, that contributes to the conversion  
10          of an item comprised in whole or in part of  
11          qualified cotton into an eligible article.

12          “(B) EXCEPTION.—Such term shall not in-  
13          clude the mere physical possession, storage,  
14          movement, or packaging of cotton or any eligi-  
15          ble article.

16          “(6) UNITED STATES.—The term ‘United  
17          States’ includes any possessions of the United  
18          States.

19          “(7) VOLUME.—The term ‘volume’ means, with  
20          respect to any eligible article, the amount of quali-  
21          fied cotton in such article, as measured in pounds.

22          “(d) INCREASED CREDIT FOR QUALIFIED COTTON  
23          YARN AND QUALIFIED COTTON FABRIC.—

24          “(1) QUALIFIED COTTON YARN.—

1           “(A) IN GENERAL.—At the election of the  
2 taxpayer, in the case of any eligible article  
3 which is composed in whole or in part of quali-  
4 fied cotton yarn—

5           “(i) this section shall be applied sepa-  
6 rately with respect to such cotton yarn,  
7 and

8           “(ii) the amount determined under  
9 subsection (a) with respect to such cotton  
10 yarn shall be equal to such amount (deter-  
11 mined without regard to this subsection)  
12 multiplied by 1.6.

13           “(B) QUALIFIED COTTON YARN.—For pur-  
14 poses of this subsection, the term ‘qualified cot-  
15 ton yarn’ means a strand of fiber made in the  
16 United States from qualified cotton into a form  
17 suitable for weaving, knitting, braiding, felting,  
18 webbing, or otherwise fabricating into a fabric.

19           “(2) QUALIFIED COTTON FABRIC.—

20           “(A) IN GENERAL.—At the election of the  
21 taxpayer, in the case of any eligible article  
22 which is composed in whole or in part of quali-  
23 fied cotton fabric—

1                   “(i) this section shall be applied sepa-  
2                   rately with respect to such cotton fabric,  
3                   and

4                   “(ii) the amount determined under  
5                   subsection (a) with respect to such cotton  
6                   fabric shall be equal to such amount (de-  
7                   termined without regard to this subsection)  
8                   multiplied by 6.5.

9                   “(B) QUALIFIED COTTON FABRIC.—For  
10                  purposes of this subsection, the term ‘qualified  
11                  cotton fabric’ means any material woven, knit-  
12                  ted, felted, or otherwise produced in the United  
13                  States from, or in combination with, any fiber,  
14                  yarn, or substitute thereof that was made in the  
15                  United States from qualified cotton.

16                  “(3) ELECTION.—An election under this sub-  
17                  section shall be made at such time and in such form  
18                  as the Secretary may by regulations provide.

19                  “(e) REGULATIONS.—The Secretary shall prescribe  
20                  such regulations and other guidance as may be necessary  
21                  or appropriate to carry out this section, including regula-  
22                  tions or guidance—

23                  “(1) to establish a system for preventing the  
24                  credit allowed under this subsection more than once  
25                  with respect to any amount of qualified cotton,

1       which may include establishing a requirement to no-  
2       tify purchasers of eligible articles of the intent to  
3       claim the credit allowed under this section,

4               “(2) with respect to the digital tracing of cotton  
5       under subsection (c)(2)(B)(ii), which may include re-  
6       quirements to identify the taxpayers within the sup-  
7       ply chain, and

8               “(3) with respect to the certification of qualified  
9       cotton under subsection (c)(1)(A)(i), which may re-  
10      quire reporting of the specific volume of qualified  
11      cotton in the eligible article.”.

12      (c) CREDIT ALLOWED AS PART OF GENERAL BUSI-  
13      NESS CREDIT.—Section 38(b) of such Code is amended  
14      by striking “plus” at the end of paragraph (40), by strik-  
15      ing the period at the end of paragraph (41), and by adding  
16      at the end the following new paragraph:

17               “(42) the domestic cotton consumption credit  
18      determined under section 45BB.”.

19      (d) TRANSFER OF CREDIT.—Section 6418(f)(1)(A)  
20      of such Code is amended by adding at the end the fol-  
21      lowing:

22                       “(xii) The domestic cotton consump-  
23                      tion credit determined under section  
24                      45BB(a).”.

1       (e) CLERICAL AMENDMENT.—The table of sections  
2 for subpart D of part IV of subchapter A of chapter 1  
3 of such Code is amended by adding at the end the fol-  
4 lowing item:

“Sec. 45BB. Domestic cotton consumption credit.”.

5       (f) EFFECTIVE DATE.—The amendments made by  
6 this section shall apply to eligible articles (as defined in  
7 section 45BB of the Internal Revenue Code of 1986, as  
8 added by subsection (b)) that are sold on or after January  
9 20, 2025.