

111TH CONGRESS
1ST SESSION

H. R. 4316

To suspend temporarily the duty on certain footwear, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2009

Mr. CROWLEY (for himself and Mr. BRADY of Texas) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To suspend temporarily the duty on certain footwear, 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 “Affordable Footwear
5 Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Average collected duties on imported foot-
9 wear are among the highest of any product sector,
10 totaling approximately \$1,700,000,000 during 2008.

1 (2) Duty rates on imported footwear are among
2 the highest imposed by the United States Govern-
3 ment, with some as high as the equivalent of 67.5
4 percent ad valorem.

5 (3) The duties currently imposed by the United
6 States were set in an era during which high rates of
7 duty were intended to protect production of footwear
8 in the United States.

9 (4) Footwear produced in the United States
10 supplies only about 1 percent of the total United
11 States market for footwear. This production is con-
12 centrated in distinct product groupings, which are
13 not affected by the provisions of this Act.

14 (5) Low- and moderate-income families spend a
15 larger share of their disposable income on footwear
16 than higher-income families.

17 (6) Footwear duties, which are higher on lower-
18 price footwear, serve no purpose and are a hidden,
19 regressive tax on those people in the United States
20 least able to pay.

21 **SEC. 3. SENSE OF CONGRESS.**

22 It is the sense of Congress that—

23 (1) the reduction or elimination of duties on the
24 importation of certain footwear articles would pro-

1 vide significant benefits to United States consumers,
2 particularly lower-income families;

3 (2) there is no production in the United States
4 of many footwear articles;

5 (3) the reduction or elimination of duties on
6 such articles will not negatively affect manufacturing
7 or employment in the United States; and

8 (4) the reduction or elimination of duties on
9 such articles will result in reduced retail prices for
10 consumers.

11 **SEC. 4. TEMPORARY ELIMINATION OR REDUCTION OF DU-**
12 **TIES ON CERTAIN FOOTWEAR.**

13 (a) DEFINITIONS.—The U.S. Notes to subchapter II
14 of chapter 99 of the Harmonized Tariff Schedule of the
15 United States are amended by adding at the end the fol-
16 lowing:

17 “(20) For the purposes of headings 9902.64.25
18 through 9902.64.57 and any superior text thereto:

19 “(a) The term ‘footwear for men’ means
20 footwear of American sizes 6 and larger for
21 males and does not include footwear commonly
22 worn by both sexes.

23 “(b) The term ‘footwear for women’ means
24 footwear of American sizes 4 and larger, wheth-

1 er for females or of types commonly worn by
2 both sexes.

3 “(c)(i) The term ‘work footwear’ means, in
4 addition to footwear for men or footwear for
5 women having a metal toe-cap, footwear for
6 men or footwear for women that—

7 “(A) has outer soles of rubber or plas-
8 tics;

9 “(B) is of a kind designed for use by
10 persons employed in occupations such as
11 those related to the agricultural, construc-
12 tion, industrial, public safety or transpor-
13 tation sectors; and

14 “(C) has special features to protect
15 against hazards in the workplace (such as
16 resistance to chemicals, compression,
17 grease, oil, penetration, slippage or static
18 build-up).

19 “(ii) The term ‘work footwear’ does not in-
20 clude the following:

21 “(A) sports footwear, tennis shoes,
22 basketball shoes, gym shoes, training shoes
23 and the like;

24 “(B) footwear designed to be worn
25 over other footwear;

1 “(C) footwear with open toes or open
2 heels; or

3 “(D) footwear (except footwear cov-
4 ered by heading 6401) of the slip-on type
5 that is held to the foot without the use of
6 laces or a combination of laces and hooks
7 or other features.

8 “(d) The term ‘house slippers’ means footwear
9 of the slip-on type designed solely for casual indoor
10 use. The term ‘house slippers’ includes—

11 “(i) footwear with outer soles not over 3.5
12 mm in thickness, consisting of cellular rubber,
13 non-grain leather or textile material;

14 “(ii) footwear with outer soles not over 2
15 mm in thickness consisting of polyvinyl chlo-
16 ride, whether or not backed; and

17 “(iii) footwear which, when measured at
18 the ball of the foot, has sole components (in-
19 cluding any inner and mid-soles) with a com-
20 bined thickness not over 8 mm as measured
21 from the outer surface of the uppermost sole
22 component to the bottom surface of the outer
23 sole and which, when measured in the same
24 manner at the area of the heel, has a thickness

1 equal to or less than that at the ball of the
 2 foot.”.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
 4 gress that U.S. Customs and Border Protection should
 5 treat footwear that has outer soles of rubber or plastics
 6 to which textile materials are attached, or into which such
 7 materials are otherwise incorporated, in a manner that is
 8 consistent with the classification of such footwear in Clas-
 9 sification Opinions 6404.19/1, 6404.19/2, and 6405.20/1
 10 of the Harmonized System Committee of the World Cus-
 11 toms Organization.

12 (c) AMENDMENTS TO HTS.—Subchapter II of chap-
 13 ter 99 of the Harmonized Tariff Schedule of the United
 14 States is amended by inserting in numerical sequence the
 15 following new headings:

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|---|------------|---|------|-----------|-----------|-------------------------|
| “ | 9902.64.25 | Vulcanized rubber lug boot bottoms for use in fishing waders (provided for in subheading 6401.92.90) | Free | No change | No change | On or before 12/31/2012 |
| | 9902.64.26 | Vulcanized rubber footwear with molded soles, lasted uppers (not molded or injected) of more than 70 percent by weight natural rubber, valued over \$25/pair, measuring in height from the bottom of the outer sole to the top of the upper over 19 cm, the foregoing designed to be used in lieu of, but not over, other footwear as a protection against water or cold or inclement weather (provided for in subheading 6401.92.90) ... | Free | No change | No change | On or before 12/31/2012 |

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| 9902.64.27 | Sports footwear with outer soles and uppers of rubber or plastics (other than golf shoes), having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements) is rubber or plastics (except footwear having foxing or a foxing-like band applied or molded at the sole and overlapping the upper); the foregoing not including footwear for women (provided for in subheading 6402.19.15) | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.28 | Footwear with outer soles and uppers of rubber or plastics, covering the ankle and incorporating a protective metal toe-cap, having uppers of which over 90 percent of the external surface area is rubber or plastics (provided for in subheading 6402.91.05) | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.29 | Footwear with outer soles and uppers of rubber or plastics, covering the ankle and incorporating a protective metal toe-cap, valued not over \$3/pair (provided for in subheading 6402.91.16) | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.30 | Footwear (other than work footwear) with outer soles and uppers of rubber or plastics, covering the ankle, not incorporating a protective metal toe-cap, having uppers of which over 90 percent of the external surface area is rubber or plastics (provided for in subheading 6401.91.40) | Free | No change | No change | On or before 12/31/2012 |

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| 9902.64.31 | Footwear with outer soles and uppers of rubber or plastics, designed to be used in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather, valued over \$20/pair, and if designed for men or women the height of which does not exceed 20.32 cm or if designed for other persons the height of which does not exceed 17.72 cm; the foregoing not to include vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper, where protection against water is imparted by the use of a coated laminated fabric (provided for in subheading 6402.91.50) | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.32 | Footwear with outer soles and uppers of rubber or plastics, covering the ankle, valued over \$12/pair (provided for in subheading 6402.91.90) | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.33 | Footwear with outer soles and uppers of rubber or plastics, other than covering the ankle and other than sports footwear: Of a type described in subheading 6402.99.04 | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.34 | Of a type described in subheading 6402.99.12 | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.35 | Of a type described in subheading 6402.99.31 | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.36 | Footwear designed to be used in lieu of, but not over, other footwear, valued over \$20/pair (other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), where protection against water is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6402.99.33) | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.37 | Footwear with outer soles and uppers of rubber or plastics, not specially described or indicated in any other heading of this subchapter: Of a type described in subheading 6402.99.40 | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.38 | Of a type described in subheading 6402.99.60 | Free | No change | No change | On or before 12/31/2012 |

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| 9902.64.39 | Of a type described in subheading 6402.99.70 | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.40 | Welt footwear with pigskin uppers (provided for in subheading 6403.40.30) | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.41 | Footwear with outer soles and uppers of leather, covering the ankle, other than footwear for women (provided for in subheading 6403.51.90) | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.42 | Turn or turned footwear, other than footwear for men or footwear for women (provided for in subheading 6403.59.15) | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.43 | Footwear for men, and footwear for youths and boys, covering the ankle, other than work footwear and other than slip-on footwear (except such footwear with sole components, including any mid-soles but excluding any inner soles, which when measured at the ball of the foot have a combined thickness less than 13.5 mm), the foregoing valued over \$20/pair (provided for in subheading 6403.91.60) | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.44 | Footwear (other than footwear for men or footwear for youths and boys) covering the ankle, other than work footwear and other than slip-on footwear, but including such footwear with a heel over 15 mm in height as measured from the bottom of the sole or sole components (including any mid-soles but excluding any inner soles) which when measured at the ball of the foot have a combined thickness less than 13.5 mm, the foregoing valued not over \$20/pair (provided for in subheading 6403.91.90) | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.45 | Footwear for youths and boys, other than house slippers and work footwear (provided for in subheading 6403.99.60) | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.46 | House slippers for persons other than men, youths and boys, the foregoing valued not over \$2.50/pair (provided for in subheading 6403.99.75) | Free | No change | No change | On or before 12/31/2012 |

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| 9902.64.47 | Footwear valued over \$2.50/pair (other than footwear for men, youths and boys, and footwear for women), the foregoing not to include house slippers and work footwear (provided for in subheading 6403.99.90) | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.48 | Sports footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, with outer soles of rubber or plastics and uppers of textile materials: Of a type described in subheading 6404.11.20, 6404.11.40, 6404.11.50, 6404.11.60 or 6404.11.70 | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.49 | Of a type described in subheadings 6404.11.80 and 6404.11.90, covering the ankle | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.50 | Of a type described in subheadings 6404.11.80 and 6404.11.90, other than tennis shoes, basketball shoes, gym shoes, training shoes and the like for men or women | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.51 | Footwear with outer soles of rubber or plastics and uppers of textile materials, having uppers of which over 50 percent of the external surface area is leather (provided for in subheading 6404.19.15) ... | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.52 | Footwear with outer soles of rubber or plastics and uppers of textile materials, designed to be used in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather, valued over \$20/pair, the foregoing if designed for men or women having a height which does not exceed 20.32 cm or if designed for other persons the height of which does not exceed 17.72 cm (provided for in subheading 6404.19.20); all the foregoing not to include vulcanized footwear and footwear with waterproof molded bottoms (including bottoms comprising an outer sole and all or part of the upper), where protection against water is imparted by the use of a coated or laminated textile fabric | Free | No change | No change | On or before 12/31/2012 |

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| 9902.64.53 | Footwear with outer soles of rubber or plastics and uppers of textile materials (provided for in subheading 6404.19.25, 6404.19.30, 6404.19.35, 6404.19.40, 6404.19.50, 6404.19.60, 6404.19.70, 6404.19.80, 6404.19.90, 6404.20.20, 6404.20.40 or 6404.20.60) ... | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.54 | Footwear with uppers of leather or composition leather: For men (provided for in subheading 6405.10.00) | 8.5% | No change | No change | On or before 12/31/2012 |
| 9902.64.55 | Other than tennis shoes, basketball shoes, gym shoes, training shoes and the like for women (provided for in subheading 6405.10.00) | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.56 | Footwear with uppers of textile materials, other than with soles and uppers of wool felt (provided for in subheading 6405.20.30 or 6405.20.90) ... | Free | No change | No change | On or before 12/31/2012 |
| 9902.64.57 | Footwear of a type described in subheading 6405.90.90 | Free | No change | No change | On or before 12/31/2012 ”. |

