

112TH CONGRESS  
1ST SESSION

# H. R. 2697

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2011

Ms. JENKINS (for herself, Mr. CROWLEY, Mr. BRADY of Texas, and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on Ways and Means

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## 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 2011”.

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 \$2,000,000,000 during 2010.

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

18          (6) Low- and moderate-income families spend a  
19          larger share of their disposable income on footwear  
20          than higher-income families.

21          (7) The outdoor industry develops innovative  
22          and high performance footwear that promotes  
23          healthy and active lifestyles through outdoor recre-  
24          ation.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

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

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

8 (3) the reduction or elimination of duties on  
9 such articles will result in reduced retail prices for  
10 a wide range of 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 9902.64.60:

19 “(a) The term ‘footwear for men’ means  
20 footwear of American men’s size 6 and larger  
21 for males, and does not include footwear com-  
22 monly worn by both sexes.

23 “(b) The term ‘footwear for women’ means  
24 footwear of American women’s size 4 and larg-  
25 er, whether for females or of types commonly  
26 worn by both sexes.

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

5                   “(A) has outer soles of rubber or plas-  
6 tics;

7                   “(B) is of a kind designed for use by  
8 persons employed in occupations, such as  
9 those related to the agricultural, construc-  
10 tion, industrial, public safety or transpor-  
11 tation sectors, that are not conducive to  
12 the use of casual, dress, or similar light-  
13 weight footwear; 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—

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 or other footwear that is held to the foot  
6 without the use of laces or a combination  
7 of laces and hooks or other fasteners.

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  
25 equal to or less than that at the ball of the foot.

1           “(e) For purposes of subheadings 9902.64.28,  
2           9902.64.32 and 9902.64.53, the dollar amount spec-  
3           ified as the value of a good shall be as follows:

4                   “(i) In calendar year 2011 through 2013,  
5                   \$22/pair.

6                   “(ii) In calendar year 2014, \$24/pair.

7           “(f) The term ‘waterproof footwear’ means foot-  
8           wear designed to protect against penetration by  
9           water or other liquids, whether or not such footwear  
10          is primarily designed for such purposes.”.

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

“	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 12/31/2014
	9902.64.26	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 12/31/2014

9902.64.27	Footwear (other than work footwear or footwear designed to be worn over or in lieu of other footwear as a protection against water, oil, grease, or chemicals or cold or inclement weather) 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 6402.91.40) .....	Free	No change	No change	On or before 12/31/2014
9902.64.28	Footwear (other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper) with outer soles and uppers of rubber or plastics, valued over the dollar amount specified in U.S. note 20(e) to this subchapter, whose height from the bottom of the outer sole to the top of the upper does not exceed 20.32 cm if for men or women, or does not exceed 17.78 cm if for persons other than men or women, 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, and where protection against water is imparted by the use of a coated or laminated fabric (provided for in subheading 6402.91.50) .....	Free	No change	No change	On or before 12/31/2014
9902.64.29	Footwear (other than work footwear) with outer soles and uppers of rubber or plastics, covering the ankle, for men or women, such footwear which from the bottom of the outer sole to the top of the upper does not exceed 13 cm or which exceeds 21 cm, or regardless of height is slip-on footwear (provided for in subheading 6402.91.90) .....	Free	No change	No change	On or before 12/31/2014
9902.64.30	Tennis shoes, basketball shoes, gym shoes, training shoes and the like (provided for in subheading 6402.91.90) .....	Free	No change	No change	On or before 12/31/2014
9902.64.31	Footwear with outer soles and uppers of rubber or plastic, not covering the ankle, other than work footwear or house slippers (provided for in subheading 6402.99.31) ...	Free	No change	No change	On or before 12/31/2014

9902.64.32	Footwear (other than vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), with outer soles and uppers of rubber or plastics, valued over the dollar amount specified in U.S. note 20(e) to this subchapter, designed to be used in lieu of, but not over, other footwear, and 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 12/31/2014
9902.64.33	Footwear with uppers and outer soles of rubber or plastics, other than house slippers (provided for in subheading 6402.99.40) .....	Free	No change	No change	On or before 12/31/2014
9902.64.34	Footwear with outer soles and uppers of rubber or plastic, other than house slippers (provided for in subheading 6402.99.70) .....	Free	No change	No change	On or before 12/31/2014
9902.64.35	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 12/31/2014
9902.64.36	Footwear for men, and footwear for youths and boys, covering the ankle, valued over \$12/pair, such footwear which from the bottom of the outer sole to the top of the upper does not exceed 13 cm or which exceeds 21 cm, or regardless of height is waterproof footwear, other than work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, and other than slip-on footwear (provided for in subheading 6403.91.60) .....	Free	No change	No change	On or before 12/31/2014
9902.64.37	Slip-on footwear for men and footwear for youths and boys covering the ankle; 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 12/31/2014

9902.64.38	Footwear for men, other than slip-on footwear, work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, valued not over \$12/pair (provided for in subheading 6403.91.60) .....	Free	No change	No change	On or before 12/31/2014
9902.64.39	Footwear for youth and boys, other than tennis shoes, basketball shoes, gym shoes, training shoes and the like (provided for in subheading 6403.91.60) .....	Free	No change	No change	On or before 12/31/2014
9902.64.40	Footwear (other than footwear for men or footwear for youths and boys) covering the ankle, valued over \$12/pair, such footwear of a height which from the bottom of the outer sole to the top of the upper does not exceed 13 cm, or which exceeds 21 cm, or regardless of height, is waterproof footwear, or footwear where the difference in height between the bottom of the sole at the ball of the foot to the top of the midsole and from the bottom of the heel to the top of the midsole is over 30 mm, other than work footwear and other than slip-on footwear (provided for in subheading 6403.91.90) .....	Free	No change	No change	On or before 12/31/2014
9902.64.41	Slip-on footwear (other than footwear for men or footwear for youths or boys) covering the ankle; such footwear with a heel over 15 mm in height as measured from the bottom of the sole, or sole components (including any midsoles 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 12/31/2014
9902.64.42	Footwear for women, other than slip-on footwear, work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, valued not over \$12/pair (provided for in subheading 6403.91.90) .....	Free	No change	No change	On or before 12/31/2014
9902.64.43	Footwear for persons other than women, other than slip-on footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like (provided for in subheading 6403.91.90) .....	Free	No change	No change	On or before 12/31/2014

9902.64.44	Footwear for men, valued not over \$20/pair, having uppers of leather other than pigskin, and other than house slippers, work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like (provided for in subheading 6403.99.60) .....	Free	No change	No change	On or before 12/31/2014
9902.64.45	Footwear for men having uppers of pigskin, other than house slippers, work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like (provided for in 6403.99.60) .....	Free	No change	No change	On or before 12/31/2014
9902.64.46	Tennis shoes, basketball shoes, gym shoes, training shoes and the like for youths and boys (provided for in subheading 6403.99.60) .....	Free	No change	No change	On or before 12/31/2014
9902.64.47	Footwear valued over \$2.50/pair (other than footwear for men, youths, and boys, footwear for women, house slippers, and other than tennis shoes, basketball shoes, gym shoes, training shoes and the like) (provided for in subheading 6403.99.90) .....	Free	No change	No change	On or before 12/31/2014
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 (provided for in subheading 6404.11.50, 6404.11.60, 6404.11.70 or 6404.11.80) .....	Free	No change	No change	On or before 12/31/2014
9902.64.49	Sports footwear (other than ski boots, cross country ski footwear, and snowboard boots) for persons other than men or women (provided for in subheading 6404.11.90) ...	Free	No change	No change	On or before 12/31/2014
9902.64.50	Ski boots, cross country ski footwear, and snowboard boots for men or women (provided for in subheading 6404.11.90) .....	Free	No change	No change	On or before 12/31/2014
9902.64.51	Tennis shoes, basketball shoes, gym shoes, training shoes and the like, covering the ankle, for men and women (provided for in subheading 6404.11.90) .....	Free	No change	No change	On or before 12/31/2014
9902.64.52	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 12/31/2014

9902.64.53	Footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper) with outer soles of rubber or plastics and uppers of textile materials, valued over the dollar amount specified in U.S. note 20(e) to this subchapter, whose height from the bottom of the outer sole to the top of the upper does not exceed 20.32 cm if for men or women or does not exceed 17.78 cm for persons other than men or women, 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, and where protection against water is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20) .....	Free	No change	No change	On or before 12/31/2014
9902.64.54	Footwear for men with outer soles of rubber or plastics and uppers of vegetable fibers, other than house slippers (provided for in subheading 6404.19.25) .....	Free	No change	No change	On or before 12/31/2014
9902.64.55	Footwear with outer soles of rubber or plastics and uppers of textile materials (provided for in subheading 6404.19.35) .....	Free	No change	No change	On or before 12/31/2014
9902.64.56	Footwear for women, with outer soles of rubber or plastics and uppers of textile materials, other than house slippers (provided for in subheading 6404.19.50) .....	Free	No change	No change	On or before 12/31/2014
9902.64.57	Footwear with outer soles of rubber or plastics and uppers of textile materials (provided for in subheading 6404.19.60, 6404.19.70, 6404.19.80 or 6404.19.90) ...	Free	No change	No change	On or before 12/31/2014
9902.64.58	Footwear with uppers of leather or composition leather for men (provided for in subheading 6405.10.00) .....	Free	No change	No change	On or before 12/31/2014
9902.64.59	Footwear with uppers of textile materials, other than with soles and uppers of wool felt (provided for in subheading 6405.20.90) .....	Free	No change	No change	On or before 12/31/2014
9902.64.60	Footwear not elsewhere provided for in chapter 64 (provided for in subheading 6405.90.90) .....	Free	No change	No change	On or before 12/31/2014

1 **SEC. 5. EFFECTIVE DATE.**

2 This Act and the amendments made by this Act  
3 shall—

4 (1) take effect on the 15th day after the date  
5 of the enactment of this Act; and

6 (2) apply to articles entered, or withdrawn from  
7 warehouse for consumption, on or after such 15th  
8 day.

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