

113TH CONGRESS
1ST SESSION

H. R. 1708

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2013

Ms. JENKINS (for herself, Mr. CROWLEY, Mr. CLEAVER, Mr. ROSKAM, Mr. FRANKS of Arizona, Mr. MULVANEY, Mr. SMITH of Nebraska, Mr. CONAWAY, Mr. GIBBS, Mr. POLIS, Mr. CHABOT, Mr. WESTMORELAND, Mr. MEEKS, Mr. TURNER, Mr. CRAMER, Mr. MORAN, Ms. BROWN of Florida, Mr. HUIZENGA of Michigan, Mr. MATHESON, Mr. WALBERG, Mr. SCHRAEDER, Ms. BONAMICI, Ms. DELBENE, Mr. SCHOCK, Mr. BLUMENAUER, Mr. PAULSEN, Mr. AUSTIN SCOTT of Georgia, Mr. GRIFFIN of Arkansas, and Mr. LONG) 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 2013”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Average collected duties on imported foot-
2 wear are among the highest of any product sector,
3 totaling approximately \$2,300,000,000 in 2011 and
4 approximately \$2,500,000,000 in 2012.

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

9 (3) 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 production of footwear
12 in the United States.

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

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

22 (6) Low- and moderate-income families spend a
23 larger share of their disposable income on footwear
24 than higher-income families.

1 (7) The outdoor industry develops innovative
2 and high performance footwear that promotes
3 healthy and active lifestyles through outdoor recre-
4 ation.

5 **SEC. 3. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

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

9 (2) the reduction or elimination of duties on
10 such articles will not negatively affect manufacturing
11 or employment in the United States; and

12 (3) the reduction or elimination of duties on
13 such articles will result in reduced retail prices for
14 a wide range of consumers.

15 **SEC. 4. TEMPORARY ELIMINATION OR REDUCTION OF DU-**
16 **TIES ON CERTAIN FOOTWEAR.**

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

21 “(20) For the purposes of headings 9902.64.25
22 through 9902.64.59:

23 “(a) The term ‘footwear for men’ means
24 footwear of American men’s size 6 and larger

1 for males, and does not include footwear com-
2 monly worn by both sexes.

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

7 “(c)(i) The term ‘work footwear’ means, in
8 addition to footwear for men or footwear for
9 women having a metal toe-cap, footwear for
10 men or for women that—

11 “(A) has outer soles of rubber or plas-
12 tics;

13 “(B) is of a kind designed for use by
14 persons employed in occupations, such as
15 those related to the agricultural, construc-
16 tion, industrial, public safety or transpor-
17 tation sectors, that are not conducive to
18 the use of casual, dress, or similar light-
19 weight footwear; and

20 “(C) has special features to protect
21 against hazards in the workplace (such as
22 resistance to chemicals, compression,
23 grease, oil, penetration, slippage, or static
24 build-up).

1 “(ii) The term ‘work footwear’ does not in-
2 clude—

3 “(A) sports footwear, tennis shoes,
4 basketball shoes, gym shoes, training shoes
5 and the like;

6 “(B) footwear designed to be worn
7 over other footwear;

8 “(C) footwear with open toes or open
9 heels; or

10 “(D) footwear (except footwear cov-
11 ered by heading 6401) of the slip-on type
12 or other footwear that is held to the foot
13 without the use of laces or a combination
14 of laces and hooks or other fasteners.

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

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

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

24 “(iii) footwear which, when measured at
25 the ball of the foot, has sole components (in-

1 cluding any inner and mid-soles) with a com-
2 bined thickness not over 8 mm as measured
3 from the outer surface of the uppermost sole
4 component to the bottom surface of the outer
5 sole and which, when measured in the same
6 manner at the area of the heel, has a thickness
7 equal to or less than that at the ball of the foot.

8 “(e) For purposes of subheadings 9902.64.27,
9 9902.64.31 and 9902.64.52, the dollar amount spec-
10 ified as the value of a good shall be as follows:

11 “(i) In calendar year 2013, \$22/pair.

12 “(ii) In calendar years 2014 and 2015,
13 \$24/pair.

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

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

“	9902.64.25	Sports footwear with outer soles and uppers of rubber or plastics, 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 12/31/2015
	9902.64.26	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 12/31/2015
	9902.64.27	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 12/31/2015

9902.64.28	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 12/31/2015
9902.64.29	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 12/31/2015
9902.64.30	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 12/31/2015
9902.64.31	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) of 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 12/31/2015
9902.64.32	Footwear with uppers and outer soles of rubber or plastics, other than house slippers (provided for in subheading 6402.99.41 or 6402.99.49)	Free	No change	No change	On or before 12/31/2015
9902.64.33	Footwear with outer soles and uppers of rubber or plastics, other than house slippers (provided for in subheading 6402.99.71 or 6402.99.79)	Free	No change	No change	On or before 12/31/2015
9902.64.34	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 12/31/2015

9902.64.35	Footwear for men, and footwear for youths and boys, covering the ankle, valued not 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, slip-on footwear, and other than footwear with waterproof bottoms, including bottoms comprising an outer sole and all or part of the upper (provided for in subheading 6403.91.60)	Free	No change	No change	On or before 12/31/2015
9902.64.36	Slip-on footwear for men and footwear for youths and boys, covering the ankle and incorporating waterproof footwear bottoms including bottoms comprising an outer sole and part of the upper; 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 not over \$20/pair (provided for in subheading 6403.91.60)	Free	No change	No change	On or before 12/31/2015
9902.64.37	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 12/31/2015
9902.64.38	Footwear for youth and boys, incorporating a waterproof footwear bottom including bottoms comprising an outer sole and part of the upper, other than 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 12/31/2015

9902.64.39	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 12/31/2015
9902.64.40	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 12/31/2015
9902.64.41	Footwear for women, covering the ankle, valued not 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, slip-on footwear, and other than footwear with only waterproof bottoms, including bottoms comprising an outer sole and all or part of the upper (provided for in subheading 6403.91.90)	Free	No change	No change	On or before 12/31/2015
9902.64.42	Footwear for persons other than women, other than slip-on footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like and other than footwear incorporating waterproof footwear bottoms comprising an outer sole and part of the upper (provided for in subheading 6403.91.90)	Free	No change	No change	On or before 12/31/2015

9902.64.43	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, and other than footwear with uppers having a toe part or thong (provided for in subheading 6403.99.60)	Free	No change	No change	On or before 12/31/2015
9902.64.44	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 subheading 6403.99.60)	Free	No change	No change	On or before 12/31/2015
9902.64.45	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 12/31/2015
9902.64.46	Footwear valued over \$2.50/pair (other than footwear for women; house slippers; and 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 12/31/2015
9902.64.47	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 6404.11.51, 6404.11.59, 6404.11.61, 6404.11.69, 6404.11.71, 6404.11.79, 6404.11.81 or 6404.11.89)	Free	No change	No change	On or before 12/31/2015
9902.64.48	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 12/31/2015
9902.64.49	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 12/31/2015
9902.64.50	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 12/31/2015

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 12/31/2015
9902.64.52	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 12/31/2015
9902.64.53	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 12/31/2015
9902.64.54	Footwear with outer soles of rubber or plastics and uppers of textile materials (except footwear with uppers having a toe part or thong) (provided for in subheading 6404.19.36, 6404.19.37 or 6404.19.39)	Free	No change	No change	On or before 12/31/2015
9902.64.55	Footwear for women, with outer soles of rubber or plastics and uppers of textile materials, other than house slippers (provided for in subheading 6404.19.52, 6404.19.57 or 6404.19.59) ...	Free	No change	No change	On or before 12/31/2015
9902.64.56	Footwear with outer soles of rubber or plastics and uppers of textile materials (provided for in subheading 6404.19.61, 6404.19.69, 6404.19.72, 6404.19.77, 6404.19.79, 6404.19.82, 6404.19.87, 6404.19.89 or 6404.19.90)	Free	No change	No change	On or before 12/31/2015

9902.64.57	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 12/31/2015
9902.64.58	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 12/31/2015
9902.64.59	Footwear not elsewhere provided for in chapter 64 (provided for in subheading 6405.90.90)	Free	No change	No change	On or before 12/31/2015

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.

○