

113TH CONGRESS
1ST SESSION

S. 1633

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2013

Ms. CANTWELL (for herself, Mr. BLUNT, Mr. ROBERTS, Mr. MERKLEY, Mr. MORAN, Ms. KLOBUCHAR, Mr. JOHANNES, and Mrs. MCCASKILL) introduced the following bill; which was read twice and referred to the Committee on Finance

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:

8 (1) Average collected duties on imported foot-
9 wear are among the highest of any product sector,

1 totaling approximately \$2,300,000,000 in 2011 and
2 approximately \$2,500,000,000 in 2012.

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

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

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

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

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

23 (7) The outdoor industry develops innovative
24 and high performance footwear that promotes

1 healthy and active lifestyles through outdoor recre-
2 ation.

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

4 It is the sense of Congress that—

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

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

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

13 **SEC. 4. DETERMINATION OF CONSTITUENT MATERIAL OF**
14 **CERTAIN FOOTWEAR.**

15 Additional U.S. Notes to chapter 64 of the Har-
16 monized Tariff Schedule of the United States are amended
17 by striking Additional U.S. Note 5 and inserting the fol-
18 lowing:

19 “5. For the purposes of determining the con-
20 stituent material of the outer sole pursuant to Note
21 4(b) of this chapter, the constituent material of an
22 outer sole consisting of rubber or plastics to which
23 textile materials are attached or into which such ma-
24 terials are otherwise incorporated shall be deemed to

1 be only rubber or plastics, and no account shall be
 2 taken of the textile materials.”.

3 **SEC. 5. MODIFICATION OF ARTICLE DESCRIPTION FOR**
 4 **CERTAIN WATERPROOF FOOTWEAR.**

5 Subheading 6401.92.60 of chapter 64 of the Har-
 6 monized Tariff Schedule of the United States is amended
 7 by adding at the end of the article description the fol-
 8 lowing: “, with no portion of the soles and uppers exceed-
 9 ing 3.5 mm in thickness”.

10 **SEC. 6. TEMPORARY SUSPENSION OR REDUCTION OF DU-**
 11 **TIES ON CERTAIN FOOTWEAR.**

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

16 “20. For the purposes of headings 9902.64.25
 17 through 9902.64.59:

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

22 “(b) The term ‘footwear for women’ means
 23 footwear of American women’s size 4 and larg-
 24 er, whether for females or of types commonly
 25 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 footwear 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 the
12 use of casual, dress or similar lightweight
13 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 buildup).

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 features.

8 “(d) The term ‘house slippers’ means foot-
9 wear of the slip-on type designed solely for cas-
10 ual indoor use. The term ‘house slippers’ in-
11 cludes—

12 “(i) footwear with outer soles not ex-
13 ceeding 3.5 mm in thickness, consisting of
14 cellular rubber, nongrain leather, or textile
15 material;

16 “(ii) footwear with outer soles not ex-
17 ceeding 2 mm in thickness consisting of
18 polyvinyl chloride, whether or not backed;
19 and

20 “(iii) footwear which, when measured
21 at the ball of the foot, has sole components
22 (including any inner and mid-soles) with a
23 combined thickness not exceeding 8 mm as
24 measured from the outer surface of the up-
25 permost sole component to the bottom sur-

1 face of the outer sole and which, when
 2 measured in the same manner at the area
 3 of the heel, has a thickness equal to or less
 4 than that at the ball of the foot.

5 “(e) The term ‘waterproof footwear’ means
 6 footwear designed to protect against penetra-
 7 tion by water or other liquids, whether or not
 8 such footwear is primarily designed for such
 9 purposes.”.

10 (b) TEMPORARY SUSPENSION OR REDUCTION OF DU-
 11 TIES.—Subchapter II of chapter 99 of the Harmonized
 12 Tariff Schedule of the United States is amended by insert-
 13 ing in numerical sequence the 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 12/31/2018
	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 12/31/2018

9902.64.27	Footwear (other than vulcanized footwear and footwear with waterproof molded or vulcanized bottoms, including bottoms comprising an outer sole and all or part of the upper, and except footwear designed to be protective that is incomplete in its condition as imported) with outer soles and uppers of rubber or plastics, valued over \$24/pair, 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 12/31/2018
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 12/31/2018
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 12/31/2018
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 12/31/2018

9902.64.31	Footwear (other than vulcanized footwear and footwear with waterproof molded or vulcanized bottoms, including bottoms comprising an outer sole and all or part of the upper, and except footwear designed to be protective that is incomplete in its condition as imported), with outer soles and uppers of rubber or plastics, valued over \$24/pair, 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 12/31/2018
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 12/31/2018
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 12/31/2018
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 12/31/2018
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 12/31/2018

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 12/31/2018
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 12/31/2018
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 12/31/2018
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 12/31/2018

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 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 12/31/2018
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, other than work footwear, tennis shoes, basketball shoes, gym shoes, training shoes and the like, slip-on footwear, and other than waterproof footwear and footwear with 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 12/31/2018
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 12/31/2018
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 12/31/2018
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 12/31/2018

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 12/31/2018
9902.64.46	Footwear valued over \$2.50/pair (other than 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 12/31/2018
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 12/31/2018
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 12/31/2018
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 12/31/2018
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 12/31/2018
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 12/31/2018

9902.64.52	Footwear (except vulcanized footwear and footwear with waterproof molded or vulcanized bottoms, including bottoms comprising an outer sole and all or part of the upper, and except footwear designed to be protective that is incomplete in its condition as imported) with outer soles of rubber or plastics and uppers of textile materials, valued over \$24/pair, 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, 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 12/31/2018
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 12/31/2018
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 12/31/2018
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 12/31/2018
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 12/31/2018

9902.64.57	Footwear with uppers of composition leather, for men, other than footwear with outer soles containing rubber or plastics to which textile materials have been attached or otherwise combined (provided for in subheading 6405.10.00)	Free	No change	No change	On or before 12/31/2018
9902.64.58	Footwear with uppers of textile materials other than footwear with outer soles containing rubber or plastics to which textile materials have been attached or otherwise combined, and other than footwear with soles and uppers of wool felt (provided for in subheading 6405.20.90) ...	Free	No change	No change	On or before 12/31/2018
9902.64.59	Footwear not elsewhere provided for in chapter 64 other than footwear with outer soles containing rubber or plastics to which textile materials have been attached or otherwise combined (provided for in subheading 6405.90.90)	Free	No change	No change	On or before 12/31/2018

SEC. 7. EFFECTIVE DATE.

This Act and the amendments made by this Act shall—

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

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

