

112TH CONGRESS
1ST SESSION

S. 1069

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

IN THE SENATE OF THE UNITED STATES

MAY 25, 2011

Ms. CANTWELL (for herself, Mr. BLUNT, Mrs. MURRAY, and Mr. ROBERTS)
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 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. AMENDMENT TO THE HARMONIZED TARIFF SCHED-**
12 **ULE OF THE UNITED STATES.**

13 The Additional Notes to chapter 64 of the Har-
14 monized Tariff Schedule of the United States are amended
15 by adding at the end the following:

16 “5. For the purposes of determining the con-
17 stituent material of the outer sole pursuant to Note
18 4(b) of this chapter, the constituent material of an
19 outer sole consisting of rubber or plastics to which
20 textile materials are attached or into which such ma-
21 terials are otherwise incorporated shall be deemed to
22 be only rubber or plastics, and no account shall be
23 taken of the textile materials.”.

1 **SEC. 5. TEMPORARY ELIMINATION OR REDUCTION OF DU-**
 2 **TIES ON CERTAIN FOOTWEAR.**

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

7 “20. For the purposes of headings 9902.64.25
 8 through 9902.64.58:

9 “(a) The term ‘footwear for men’ means
 10 footwear of American men’s size 6 and larger
 11 for males and does not include footwear com-
 12 monly worn by both sexes.

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

17 “(c)(i) The term ‘work footwear’ means, in
 18 addition to footwear for men or footwear for
 19 women having a metal toe-cap, footwear for
 20 men or footwear for women that—

21 “(A) has outer soles of rubber or plas-
 22 tics;

23 “(B) is of a kind designed for use by
 24 persons employed in occupations such as
 25 those related to the agricultural, construc-
 26 tion, industrial, public safety, or transpor-

1 tation sectors that are not normally worn
2 as casual, dress, or similar lightweight
3 footwear; and

4 “(C) has special features to protect
5 against hazards in the workplace (such as
6 resistance to chemicals, compression,
7 grease, oil, penetration, slippage, or static-
8 buildup).

9 “(ii) ‘Work footwear’ does not cover—

10 “(A) sports footwear, tennis shoes,
11 basketball shoes, gym shoes, training shoes
12 and the like;

13 “(B) footwear designed to be worn
14 over other footwear;

15 “(C) footwear with open toes or open
16 heels; or

17 “(D) footwear (except footwear cov-
18 ered by heading 6401) of the slip-on type
19 or other footwear that is held to the foot
20 without the use of laces or a combination
21 of laces and hooks or other features.

22 “(d) The term house slippers means foot-
23 wear of the slip-on type designed solely for cas-
24 ual indoor use. The term ‘house slippers’ in-
25 cludes—

1 “(i) footwear with outer soles not over
2 3.5 mm in thickness, consisting of cellular
3 rubber, nongrain leather, or textile mate-
4 rial;

5 “(ii) footwear with outer soles not
6 over 2 mm in thickness consisting of poly-
7 vinyl chloride, whether or not backed; and

8 “(iii) footwear which, when measured
9 at the ball of the foot, has sole components
10 (including any inner and mid-soles) with a
11 combined thickness not over 8 mm as
12 measured from the outer surface of the up-
13 permost sole component to the bottom sur-
14 face of the outer sole and which, when
15 measured in the same manner at the area
16 of the heel, has a thickness equal to or less
17 than that at the ball of the foot.

18 “(e) For purposes of subheadings
19 9902.64.28, 9902.64.32, and 9902.64.51, the
20 dollar amount specified as the value of a good
21 shall be as follows:

22 “(i) In calendar years 2011 through
23 2013, \$22/pair.

24 “(ii) In calendar years 2013 through
25 2016, \$24/pair.

1 “(f) The term waterproof footwear means
2 footwear designed to protect against penetra-
3 tion by water or other liquids, whether or not
4 such footwear is primarily designed for such
5 purposes.”.

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

“	9902.64.25	Vulcanized rubber lug boot bottoms for actual use in fishing waders (provided for in subheading 6401.92.90) ...	Free	No change	No change	On or before 12/31/2016
	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 12/31/2016
	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 12/31/2016

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 chapter, 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 such protection includes protection against water 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 12/31/2016
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 12/31/2016
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 12/31/2016
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 12/31/2016

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) of this chapter, 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 such protection includes protection against water 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 12/31/2016
9902.64.33	Footwear with outer soles and uppers of rubber or plastics, other than house slippers (provided for in subheading 6402.99.40)	Free	No change	No change	On or before 12/31/2016
9902.64.34	Footwear with outer soles and uppers of rubber or plastics other than house slippers (provided for in subheading 6402.99.70)	Free	No change	No change	On or before 12/31/2016
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 12/31/2016
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 12/31/2016
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 12/31/2016

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 12/31/2016
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 12/31/2016
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 12/31/2016
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 over \$20/pair (provided for in subheading 6403.91.90)	Free	No change	No change	On or before 12/31/2016
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 12/31/2016
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 12/31/2016

9902.64.44	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 12/31/2016
9902.64.45	Footwear valued over \$2.50/pair (other than footwear for men, youths and boys, house slippers, work footwear 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 12/31/2016
9902.64.46	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 12/31/2016
9902.64.47	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 12/31/2016
9902.64.48	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 12/31/2016
9902.64.49	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 12/31/2016
9902.64.50	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 12/31/2016

9902.64.51	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 chapter, 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 worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather and where such protection includes protection against water imparted by the use of a coated or laminated fabric (provided for in subheading 6404.19.20)	Free	No change	No change	On or before 12/31/2016
9902.64.52	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 12/31/2016
9902.64.53	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 12/31/2016
9902.64.54	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 12/31/2016
9902.64.55	Footwear with outer soles of rubber or plastics and uppers of textile materials (provided from subheading 6404.19.60, 6404.19.70, 6404.19.80, or 6404.19.90)	Free	No change	No change	On or before 12/31/2016
9902.64.56	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 12/31/2016
9902.64.57	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 12/31/2016
9902.64.58	Footwear not elsewhere provided for in chapter 64 (provided for in subheading 6405.90.90)	Free	No change	No change	On or before 12/31/2016.

1 **SEC. 6. 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 day.

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