

111TH CONGRESS
1ST SESSION

S. 730

To amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 26, 2009

Mr. ENSIGN (for himself, Ms. CANTWELL, Mr. ROBERTS, Mr. BROWNBACK, Mr. VOINOVICH, Mr. LIEBERMAN, Mrs. MURRAY, Ms. COLLINS, Mr. DEMINT, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Harmonized Tariff Schedule of the United States to modify the tariffs 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:

1 (1) Average collected duties on imported foot-
2 wear are among the highest of any product sector,
3 totaling approximately \$1,900,000,000 during 2006.

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

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

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

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

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

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

25 It is the sense of Congress that—

1 (1) the reduction or elimination of duties on the
 2 importation of certain footwear articles would pro-
 3 vide significant benefits to United States consumers,
 4 particularly lower-income families;

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

7 (3) the reduction or elimination of duties on
 8 such articles will not negatively impact manufac-
 9 turing or employment in the United States; and

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

13 **SEC. 4. ELIMINATION OF DUTIES ON CERTAIN FOOTWEAR.**

14 (a) DEFINITIONS.—The Additional U.S. Notes to
 15 chapter 64 of the Harmonized Tariff Schedule of the
 16 United States are amended—

17 (1) in Note 1—

18 (A) in paragraph (b), by striking the pe-
 19 riod and inserting a semicolon; and

20 (B) by adding at the end the following:

21 “(c) The term ‘footwear for men’ covers footwear of
 22 American sizes 6 and larger for males and does not in-
 23 clude footwear commonly worn by both sexes; and

1 “(d) The term ‘footwear for women’ covers footwear
2 of American sizes 4 and larger whether for females or of
3 types commonly worn by both sexes.”; and

4 (2) by adding at the end the following:

5 “5. For the purposes of this chapter:

6 “(a) The term ‘work footwear’ encompasses, in
7 addition to footwear having a metal toe-cap, special-
8 ized footwear for men or for women that:

9 “(i) has outer soles of rubber or plastics;

10 “(ii) is of a kind designed for use by per-
11 sons employed in occupations, such as those re-
12 lated to the agricultural, construction, indus-
13 trial, public safety, and transportation sectors;
14 and

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

19 “(b) The term ‘work footwear’ does not cover:

20 “(i) sports footwear, tennis shoes, basket-
21 ball shoes, gym shoes, training shoes, and the
22 like;

23 “(ii) footwear designed to be worn over
24 other footwear;

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

3 “(iv) footwear, except footwear covered
4 under heading 6401, of the slip-on type or
5 other footwear that is held to the foot without
6 the use of laces or a combination of laces and
7 hooks or other fasteners.

8 “6. For purposes of this chapter, the term ‘house
9 slippers’ means footwear of the slip-on type designed solely
10 for casual indoor use. The term ‘house slippers’ includes:

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

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

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

1 “7. For purposes of subheadings 6402.91.52,
2 6402.99.35, 6403.91.62, 6403.91.93, and 6404.19.21, the
3 dollar amounts specified as the value of a good shall be
4 as follows:

5 “In calendar years 2009 through 2013, \$20/
6 pair.

7 “In calendar years 2014 through 2019, \$23/
8 pair.

9 “In calendar years 2020 through 2026, \$26/
10 pair.

11 “In calendar years 2027 and thereafter, \$29/
12 pair.

13 “8. For purposes of this chapter, the constituent ma-
14 terial of an outer sole of rubber or plastics to which textile
15 materials are attached or into which such materials are
16 otherwise incorporated shall be deemed to be only of rub-
17 ber or plastics.”.

18 (b) MODIFICATION OF TARIFFS ON CERTAIN FOOT-
19 WEAR.—

20 (1) Heading 6401 of the Harmonized Tariff
21 Schedule of the United States is amended by adding
22 the following new subheading after subheading
23 6401.92.60 with the article description having the
24 same degree of indentation as the article description
25 for subheading 6401.92.60:

“	6401.92.70	Vulcanized rubber lug boot bottoms for actual use in fishing waders	Free		75%	”.
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1 (2) Heading 6402 of the Harmonized Tariff

2 Schedule of the United States is amended as follows:

3 (A) By striking subheading 6402.19.15

4 and inserting the following with the superior

5 text having the same degree of indentation as

6 the article description for subheading

7 6402.19.15, as in effect on the day before the

8 date of the enactment of this Act:

“	6402.19.17	Other: For women	5.1%	Free (AU, BH, CA, CL, D, E, IL, J+, JO, MA, MX, OM, P, PE, R, SG)	35%	”.
	6402.19.19	Other	Free		35%	

9 (B) In subheading 6402.91.05, by striking

10 the matter in the general and special rate of

11 duty columns and inserting “Free” in the gen-

12 eral rate of duty column.

13 (C) In subheading 6402.91.16, by striking

14 the matter in the general and special rate of

15 duty columns and inserting “Free” in the gen-

16 eral rate of duty column.

17 (D) By striking subheading 6402.91.40

18 and inserting the following, with the superior

19 text having the same degree of indentation as

20 the article description for subheading

1 6402.91.40, as in effect on the day before the
2 date of the enactment of this Act:

“		Footwear having uppers of which over 90 percent of the external surface area (including any accessories or reinforcements such as those mentioned in note 4(a) to this chapter) is rubber or plastics except (1) footwear having a foxing or foxing-like band applied or molded at the sole and overlapping the upper and (2) footwear (other than footwear having uppers which, from a point 3 cm above the top of the outer sole, are entirely of non-molded construction formed by sewing the parts together and having exposed on the outer surface a substantial portion of functional stitching) 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:				
	6402.91.42	Work footwear	6%	Free (AU, BH, CA, CL, D, E, IL, J+, JO, MA, MX, OM, P, PE, R, SG)	35%	
	6402.91.43	Other	Free		35%	”.

3 (E) By striking subheading 6402.91.50
4 and inserting the following, with the superior
5 text having the same degree of indentation as
6 the superior text to subheading 6402.91.50, as
7 in effect on the day before the date of the en-
8 actment of this Act:

“		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:			
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6402.91.52	Footwear, except 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 fabric, designed to be used in lieu of, but not over, other footwear, valued over the dollar amount specified in additional U.S. note 7 to this chapter, and if designed for men or women the height of which does not exceed 8 inches (20.32 cm) or if designed for other persons the height of which does not exceed 7 inches (17.72 cm)				
6402.91.54	Other	Free 37.5%	Free (CA, D, IL, MX, R)	66%	
			6% (P)		
			3.7% (JO)		
			1.5% (SG)		
			18.7% (AU)		
			20.8% (MA) ...		
			26.2% (CL)		
			82.5% (BH) ...		
			33.7% (OM, PE)	66%	”.

1 (F) In each of the following subheadings,
2 by striking the matter in the general and spe-
3 cial rate of duty columns and inserting “Free”
4 in the general rate of duty column:

5 (i) Subheading 6402.91.90.

6 (ii) Subheading 6402.99.04.

7 (iii) Subheading 6402.99.12.

8 (iv) Subheading 6402.99.31.

9 (G) By striking subheading 6402.99.33
10 and inserting the following, with the superior
11 text having the same degree of indentation as
12 the article description for subheading
13 6402.99.33, as in effect on the day before the
14 date of the enactment of this Act:

“		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:				
	6402.99.35	Footwear, except 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, designed to be used in lieu of, but not over, other footwear, valued over the dollar amount specified in additional U.S. note 7 to this chapter	Free		66%	
	6402.99.37	Other	37.5%	Free (CA, D, IL, MX, R) 6% (P) 3.7% (JO) 15% (SG) 17.7% (AU) 20.8% (MA) 26.2% (CL) 22.5% (BH) 33.7% (OM, PE)	66%	”.

(H) In each of the following subheadings, by striking the matter in the general and special rate of duty columns and inserting “Free” in the general rate of duty column:

(i) Subheading 6402.99.40.

(ii) Subheading 6402.99.60.

(iii) Subheading 6402.99.70.

(3) Heading 6403 of the Harmonized Tariff Schedule of the United States is amended as follows:

(A) By striking subheading 6403.40.30 and inserting the following, with the superior text having the same degree of indentation as the article description for subheading 6403.40.30, as in effect on the day before the date of the enactment of this Act:

“	6403.40.35	Welt footwear:						
	6403.40.38	With pigskin uppers	Free			20%		
		Other	5%		Free (AU, BH, CA, CL, D, E, IL, J+, JO, MA, MX, OM, P, PE, R, SG)	20%		”.

1 (B) By striking subheading 6403.51.90
2 and inserting the following, with the superior
3 text having the same degree of indentation as
4 the article description for subheading
5 6403.51.90, as in effect on the day before the
6 date of the enactment of this Act:

“	6403.51.92	For other persons: For women	10%		Free (AU, BH, CA, CL, D, E, IL, J+, JO, MA, MX, OM, P, PE, R)			
	6403.51.94	Other	Free		2.5% (SG)	20%		”.

7 (C) By striking subheading 6403.59.15
8 and the preceding superior text and inserting
9 the following, with the superior text having the
10 same degree of indentation as the article de-
11 scription for subheading 6403.59.15, as in ef-
12 fect on the day before the date of the enact-
13 ment of this Act:

“	6403.59.17	Other: Turn or turned footwear: For men or women	2.5%		Free (AU, BH, CA, CL, D, IL, J+, JO, MA, MX, OM, P, PE, R, SG)	10%		
	6403.59.18	Other	Free			10%		”.

14 (D) By striking subheading 6403.91.60
15 and inserting the following, with the superior

1 text having the same degree of indentation as
 2 the article description for subheading
 3 6403.91.60, as in effect on the day before the
 4 date of the enactment of this Act:

“	6403.91.61	For men, youths and boys: Work footwear	8.5%	Free (AU, BH, CA, CL, D, E, IL, J+, JO, MA, MX, OM, P, PE, R, SG)	20%	”.
	6403.91.62	Slip-on footwear, other than such footwear with sole compo- nents (including any mid-soles but excluding any inner soles) which when measured at the ball of the foot have a com- bined thickness less than 13.5 mm, valued over the dollar amount specified in additional U.S. note 7 to this chapter	8.5%	Free (AU, BH, CA, CL, D, E, IL, J+, JO, MA, MX, OM, P, PE, R, SG)	20%	
	6403.91.65	Other	Free		20%	

5 (E) By striking subheading 6403.91.90
 6 and inserting the following, with the superior
 7 text having the same degree of indentation as
 8 the article description for subheading
 9 6403.91.90, as in effect on the day before the
 10 date of the enactment of this Act:

“	6403.91.92	For other persons: Work footwear	10%	Free (AU, BH, CA, CL, D, E, IL, J+, JO, MA, MX, OM, P, PE, R)	20%	”.
				2.5% (SG)		

6403.91.93	Slip-on footwear, other than 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, valued over the dollar amount specified in additional U.S. note 7 to this chapter	10%	Free (AU, BH, CA, CL, D, E, IL, J+, JO, MA, MX, OM, P, PE, R) 2.5% (SG)	20%	
6403.91.95	Other	10%	Free (AU, BH, CA, CL, D, E, IL, J+, JO, MA, MX, OM, P, PE, R) 2.5% (SG)	20%	”.

1 (F) By striking subheading 6403.99.60
2 and the preceding superior text and inserting
3 the following, with the superior text having the
4 same degree of indentation as the article de-
5 scription for subheading 6403.99.60, as in ef-
6 fect on the day before the date of the enact-
7 ment of this Act:

“	6403.99.62	Other: For men, youths and boys: House slippers	8.5%	Free (AU, CA, BH, CL, K, IL, J+, JO, MA, MX, P, R, SG)	20%	
	6403.99.64	Work footwear	Free		20%	
	6403.99.66	Other for men	8.5%	Free (AU, CA, BH, CL, D, IL, J+, JO, MA, MX, OM, P, PE, R, SG)	20%	
	6403.99.68	Other	Free		20%	”.

8 (G) By striking subheading 6403.99.75
9 and inserting the following, with the superior
10 text having the same degree of indentation as
11 the article description for subheading

1 6403.99.75, as in effect on the day before the
2 date of the enactment of this Act:

“	6403.99.77	Valued not over \$2.50/pair:				
	6403.99.78	House slippers	Free		20%	
		Other	7%	Free (AU, BH, CA, CL, D, E, IL, J+, JO, MA, MX, OM, P, PE, R, SG)	20%	”.

3 (H) By striking subheading 6403.99.90
4 and inserting the following, with the superior
5 text having the same degree of indentation as
6 the article description for subheading
7 6403.99.90, as in effect on the day before the
8 date of the enactment of this Act:

“	6403.99.91	Valued over \$2.50 per pair:				
		House slippers	10%	Free (AU, BH, CA, CL, D, IL, J+, JO, MA, MX, OM, P, PE, R)		
	6403.99.93	Work footwear	10%	2.5% (SG)	20%	
	6403.99.95	Other for women	10%	Free (AU, BH, CA, CL, D, IL, J+, JO, MA, MX, OM, P, PE, R)	20%	
	6403.99.97	Other	Free	2.5% (SG)	20%	”.

9 (4) Heading 6404 of the Harmonized Tariff
10 Schedule of the United States is amended as follows:

11 (A) In each of the following subheadings,
12 by striking the matter in the general and spe-
13 cial rate of duty columns and inserting “Free”
14 in the general rate of duty column:

15 (i) Subheading 6404.11.20.

16 (ii) Subheading 6404.11.40.

1 (iii) Subheading 6404.11.50.

2 (iv) Subheading 6404.11.60.

3 (v) Subheading 6404.11.70.

4 (B) By striking subheading 6404.11.80
 5 and inserting the following, with the superior
 6 text having the same degree of indentation as
 7 the superior text to subheading 6404.11.80, as
 8 in effect on the day before the date of the en-
 9 actment of this Act:

“		Valued over \$6.50 but not over \$12/pair:				
	6404.11.81	Covering the ankle	Free			\$1.58/pr. + 35%
	6404.11.83	Other tennis shoes, basket- ball shoes, gym shoes, train- ing shoes and the like, for men or for women	90¢/pair + 20%	Free (AU, BH, CA, CL, D, E, IL, J+, MA, MX, OM, P, PE, R) 38¢/pr. + 9% (JO) 87¢/pr. + 9% (SG)		\$1.58/pr. + 35%
	6404.11.85	Other	Free			\$1.58/pr. + 35%
						”.

10 (C) By striking subheading 6404.11.90

11 and inserting the following, with the superior

12 text having the same degree of indentation as

13 the superior text to subheading 6404.11.90, as

14 in effect on the day before the date of the en-

15 actment of this Act:

“		Valued over \$12/pair:				
	6404.11.91	Covering the ankle	Free			35%

6404.11.93	Other tennis shoes, basketball shoes, gym shoes, training shoes and the like for men or for women	20%	Free (CA, D, IL, JO, MX, P, R) 8% (SG) 10% (AU) 11.1% (MA) 14% (CL) 12% (BH) 18% (OM, PE)	35%	35%	”.
6404.11.95	Other	Free				

1 (D) In subheading 6404.19.15, by striking
2 the matter in the general and special rate of
3 duty columns and inserting “Free” in the gen-
4 eral rate of duty column.

5 (E) By striking subheading 6404.19.20
6 and inserting the following, with the superior
7 text having the same degree of indentation as
8 the article description for subheading
9 6404.19.20, as in effect on the day before the
10 date of the enactment of this Act:

“		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:				
	6404.19.21	Footwear, except 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, designed to be used in lieu of, but not over, other footwear, valued over the dollar amount specified in additional U.S. note 7 to this chapter, and if designed for men or women the height of which does not exceed 8 inches (20.32 cm) or if designed for other persons the height of which does not exceed 7 inches (17.72 cm)				
	6404.19.23	Other	Free 37.5%	Free (CA, D, IL, MX, R) 6% (P) 3.7% (JO) 15% (SG) 18.7% (AU) 20.8% (MA) 26.2% (CL) 22.5% (BH) 33.7% (OM, PE)	66%	”.

- 1 (F) In each of the following subheadings,
2 by striking the matter in the general and spe-
3 cial rate of duty columns and inserting “Free”
4 in the general rate of duty column:
- 5 (i) Subheading 6404.19.25.
6 (ii) Subheading 6404.19.30.
7 (iii) Subheading 6404.19.35.
8 (iv) Subheading 6404.19.40.
9 (v) Subheading 6404.19.50.
10 (vi) Subheading 6404.19.60.
11 (vii) Subheading 6404.19.70.
12 (viii) Subheading 6404.19.80.
13 (ix) Subheading 6404.19.90.

1 (x) Subheading 6404.20.20.

2 (xi) Subheading 6404.20.40.

3 (xii) Subheading 6404.20.60.

4 (5) Heading 6405 of the Harmonized Tariff
5 Schedule of the United States is amended as follows:

6 (A) By striking subheading 6405.10.00
7 and inserting the following, with the superior
8 text having the same degree of indentation as
9 the article description for subheading
10 6405.10.00, as in effect on the day before the
11 date of enactment of the Act:

“	6405.10	With uppers of leather or composition leather:				
	6405.10.10	Footwear for men	8.5%	Free (AU, BH, CA, CL, D, E, IL, J+, JO, MA, MX, OM, P, PE, R) 2.5% (SG)	20%	
	6405.10.20	Tennis shoes, basketball shoes, gym shoes, training shoes and the like, for women	10%	Free (AU, BH, CA, CL, D, E, IL, J+, JO, MA, MX, OM, P, PE, R) 2.5% (SG)	20%	
	6405.10.30	Other	Free		20%	”.

12 (B) In each of the following subheadings,
13 by striking the matter in the general and special
14 rate of duty columns and inserting “Free”
15 in the general rate of duty column:

16 (i) Subheading 6405.20.30.

17 (ii) Subheading 6405.20.90.

18 (iii) Subheading 6405.90.90.

1 **SEC. 5. HAITI RELIEF ENHANCEMENT.**

2 Section 213A of the Caribbean Basic Economic Re-
3 covery Act (19 U.S.C. 2703a) is amended—

4 (1) by redesignating subsections (d) through (h)
5 as subsections (e) through (i), respectively;

6 (2) by inserting after subsection (c) the fol-
7 lowing:

8 “(d) SPECIAL RULE FOR FOOTWEAR.—

9 “(1) IN GENERAL.—Footwear that is the prod-
10 uct or manufacture of Haiti and is imported directly
11 from Haiti into the customs territory of the United
12 States shall be accorded tariff treatment identical to
13 the tariff treatment that is accorded under the Do-
14 minican Republic-Central America-United States
15 Free Trade Agreement to footwear described in the
16 same 8-digit subheading of the Harmonized Tariff
17 Schedule of the United States.

18 “(2) REQUIREMENT.—Footwear qualifies for
19 the treatment provided for under paragraph (1) if it
20 satisfies the applicable rule of origin set out in Arti-
21 cle 4.1 of the Dominican Republic-Central America-
22 United States Free Trade Agreement.

23 “(3) AGREEMENT DEFINED.—For purposes of
24 this subsection, the term ‘Dominican Republic-Cen-
25 tral America-United States Free Trade Agreement’
26 has the meaning given that term in section 3 of the

1 Dominican Republic-Central America-United States
2 Free Trade Agreement Implementation Act (19
3 U.S.C. 4002).”;

4 (3) in subsection (a)(7), by striking “subsection
5 (e)” and inserting “subsection (f)”;

6 (4) in subsection (c)(1), by striking “subsection
7 (d)” and inserting “subsection (e)”; and

8 (5) in subsection (f)(4)(A) (as redesignated by
9 paragraph (1) of this subsection), by striking “sub-
10 section (d)” and inserting “subsection (e)”.

○