

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 111<sup>th</sup> Congress<sup>1</sup>**

[Date approved: March 25, 2010]<sup>2</sup>

**Bill No. and sponsor:** S. 2433 (Mr. Sam Brownback of Kansas).

**Proponent name,<sup>3</sup> location:** Payless ShoeSource, Inc. (Topeka, KS).

**Other bills on product (111<sup>th</sup> Congress only):** None.

**Nature of bill:** Extension of temporary duty suspension through December 31, 2011.<sup>4</sup>

**Retroactive effect:** None.

**Suggested article description(s) for enactment (including appropriate HTS subheading(s)):**

Turn or turned footwear with outer soles of leather and uppers of leather, other than for men or women (provided for in subheading 6403.59.15).

**Check one:**      Same as that in bill as introduced.  
                   Different from that in bill as introduced (see Technical comments section).

**Product information, including uses/applications and source(s) of imports:**

The bill covers turn or turned footwear for children<sup>5</sup> with outer soles of leather and uppers of leather, provided for in HTS subheading 6403.59.15 (statistical reporting number 6403.59.1561). Turn or turned footwear is sewn from the inside out and then flipped back into the proper position.<sup>6</sup>

U.S. imports of such footwear under the duty suspension provision (HTS heading 9902.22.48), which expired at the close of 2009, totaled \$2.3 million in 2008 and \$3.9 million in January–September 2009. Canada<sup>7</sup> is the leading supplier of the subject footwear imports, followed by China and Korea.

<sup>1</sup> Industry analyst preparing report: Kimberlie Freund (202-708-5402); Tariff Affairs contact: Jan Summers (202-205-2605).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [http://www.usitc.gov/tariff\\_affairs/congress\\_reports/](http://www.usitc.gov/tariff_affairs/congress_reports/).

<sup>3</sup> The sponsor/proponent indicated that the bill is reasonably expected to benefit more than ten firms, but did not provide any named beneficiaries.

<sup>4</sup> HTS heading 9902.22.48, which had provided duty-free entry to the subject footwear on proper importer claim, expired at the close of 2009.

<sup>5</sup> Footwear smaller than size 6 for men and size 4 for women.

<sup>6</sup> Richard Foley, National Import Specialist, U.S. Customs and Border Protection, telephone interview with Commission staff, Nov. 28, 2005.

<sup>7</sup> Goods of Canada may be eligible for duty-free entry under the North American Free Trade Agreement (NAFTA) under the rules of origin set forth in HTS general note 12(t). Tariff classification rule 1 for chapter 64 provides that footwear of subheading 6403.59.15 may be eligible for NAFTA benefits if inputs from countries other than the three partners that are contained in the finished footwear were classifiable in HTS headings other than 6401 through 6405 or subheading 6406.10.

**Estimated effect on customs revenue for the subject product classifiable in HTS subheading 6403.59.15:**

	2010	2011	2012	2013	2014
Col. 1-General rate of duty	2.5%	2.5%	2.5%	2.5%	2.5%
Estimated value <i>dutiable</i> imports <sup>a</sup>	\$6,400,000	\$6,400,000	\$6,400,000	\$6,400,000	\$6,400,000
Customs revenue loss <sup>b</sup>	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000

a/ Dutiable import estimates were based on official U.S. Government statistics and industry information.

b/ At the request of Congress, customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ.

**Contacts with domestic firms/organizations (including the proponent):**

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
Payless ShoeSource, Inc. (Proponent) Curtis Sneden, curtis-snedden@payless.com	11/30/2009	No	No	No
American Apparel and Footwear Association Nate Herman, nherman@apparelandfootwear.org	11/30/2009	No	No	No
Footwear Distributors and Retailers of America Matt Priest, mpriest@frdr.org	11/30/2009	No	No	No
Rubber and Plastic Footwear Manufacturers Mitch Cooper, mjcl2311@verizon.net	11/30/2009	No	No	No

**Technical comments:<sup>8</sup>**

None.

<sup>8</sup> The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

111TH CONGRESS  
1ST SESSION

# S. 2433

To extend the temporary suspension of duty on certain footwear.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2009

Mr. BROWNBACK introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To extend the temporary suspension of duty on certain footwear.

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. CERTAIN FOOTWEAR.**

4 (a) **IN GENERAL.**—Heading 9902.22.48 of the Har-  
5 monized Tariff Schedule of the United States (relating to  
6 certain footwear) is amended by striking “12/31/2009”  
7 and inserting “12/31/2011”.

8 (b) **EFFECTIVE DATE.**—The amendment made by  
9 subsection (a) applies to goods entered, or withdrawn from

- 1 warehouse for consumption, on or after the 15th day after
- 2 the date of the enactment of this Act.

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