

Proposed modifications based on customs documentation received from interested parties

Addendum to USITC Investigation No. 1205-8 (Certain Footwear: Recommendations for Modifying the Harmonized Tariff Schedule of the United States)

On November 8, 2010, the United States International Trade Commission (Commission) received a letter from the United States Trade Representative (USTR) requesting that the Commission make certain further recommendations concerning the footwear that was the subject of recommendations in the Commission's final report on investigation No. 1205-8 (USITC Publication 4178, August 2010).¹ As indicated in the *Federal Register*,² the Commission announced that it would issue an addendum to investigation No. 1205-8 and "post proposed recommendations on this matter on its Web site. . . by December 29, 2010. . .".

The USTR request focused on two sets of existing HTS subheadings, as follows:

- (1) Subheadings 6404.11.40, 6404.11.50, 6404.11.60, 6404.11.70, 6404.11.80, 6404.19.40, 6404.19.50, 6404.19.60, 6404.19.70 and 6404.19.80, for which the Commission was asked to make further recommendations on the basis of liquidated customs entries to be provided by importers by December 22, 2010. Supporting documentation was received for all these subheadings, except 6404.11.40, 6404.11.50, 6404.11.60, and 6404.19.60. Proposed modifications to the HTS incorporating the six subheadings for which importers provided liquidated customs entries are included in the attached proposed recommendations.
- (2) Subheadings 6401.99.10, 6402.91.90, and 6402.99.40, for which the Commission was asked to provide a further recommendation on the basis of information previously provided by importers in the context of the Commission's August 2010 report. To date, U.S. Customs and Border Protection (Customs) has verified the validity of establishing a new rate line under existing subheading 6402.99.40, which is included in this posting. Customs has informed the Commission that previous documentation submitted for subheadings 6401.99.10 and 6402.91.90 indicated that relevant entries were all liquidated after the April 13, 2010, date specified by the USTR in its November 8, 2010, request letter. Therefore, there are no proposed recommendations for these latter two subheadings in this posting.

The attached proposed recommendations include additional new tariff subheadings (highlighted), along with modifications recommended under the relevant 6-digit subheadings in appendix B to the Commission's August 2010 report. Modifications previously recommended by the Commission in August 2010 remain in place and are before Congress under the layover provision in section 1206 of the Omnibus Trade and Competitiveness Act of 1988.

¹A copy of the report is available on the Commission's Web site at the following address:
http://www.usitc.gov/tariff_affairs/hts_documents/pub4178.pdf.

²75 Fed. Reg. 75695 (Dec. 6, 2010).

Interested Federal agencies and the public may file views on the highlighted proposed modifications by January 12, 2011, as explained in the Federal Register notice of December 6, 2010.

1. Subheading 6402.99.40 is superseded by the following:

[Other footwear with outer soles or rubber or plastics:]

[Other footwear:]

[Other:]

[Other:]

[Other:]

“Footwear with open toes or open heels; footwear of the slip-on type, that is held to the foot without the use of laces or buckles or other fasteners, the foregoing except footwear of subheading 6402.99.20 and except footwear having a foxing or a foxing-like band wholly or almost wholly of rubber or plastics applied or molded at the sole and overlapping the upper:

6402.99.41

Having an outer sole with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. note 5 to this

Chapter

12.5%

Free (AU,BH,CA, CL,D,E,IL,J+,JO, MA,MX,OM,P,PE, R,SG)

35%

[Other footwear with outer soles or rubber or plastics:]

[Other footwear:]

[Other:]

[Other:]

[Other:]

[Footwear with open toes or open heels; footwear of the slip-on type, that is held to the foot without the use of laces or buckles or other fasteners, the foregoing except footwear of subheading 6402.99.20 and except footwear having a foxing or a foxing-like band wholly or almost wholly of rubber or plastics applied or molded at the sole and overlapping the upper:]

6402.99.49

Other

37.5%

Free (AU,BH,CA, CL,E,IL,J+,JO, MA, MX,OM,P, PE,R)
7.5% (SG)

66%”

2. Subheading 6404.11.70 is superseded by the following:

	[Footwear with outer soles...]			
	[Footwear with outer soles...]			
	[Sports footwear...]			
	[Other:]			
	[Valued over \$3 but...]			
	“Other:			
6404.11.71	With an upper of vegetable fibers and having an outer sole with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. Note 5 to this chapter	7.5%	Free (AU,BH,CA, CL,D,E,IL,J+,JO, MX,OM,P,PE, R,SG) 2.4% (MA)	35%
6404.11.75	With an upper of textile material other than vegetable fibers and having an outer sole with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. Note 5 to this chapter	12.5%	Free (AU,BH,CA, CL,D,E,IL,J+,JO, MX,OM,P,PE, R,SG) 4.1% (MA)	35%
6404.11.79	Other	90¢/pr. + 37.5%	Free (AU,BH,CA, CL,D,E,IL,J+,JO, MA,MX,OM,P, PE,R) 18¢/pr. + 7.5% (SG)	\$1.56/pr. + 66%”

3. Subheading 6404.11.80 is superseded by the following:

	[Footwear with outer soles...:]			
	[Footwear with outer soles of rubber or plastics:]			
	[Sports footwear...:]			
	[Other:]			
	“Valued over \$6.50 but not over \$12/pair:			
6404.11.81	With an upper of vegetable fibers and having an outer sole with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. Note 5 to this chapter	7.5%	Free (AU,BH,CA, CL,D,E,IL,J+,JO, MX,OM,P,PE, R,SG) 2.4% (MA)	35%
6404.11.85	With an upper of textile material other than vegetable fibers and having an outer sole with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. Note 5 to this chapter	12.5%	Free (AU,BH,CA, CL,D,E,IL,J+,JO, MX,OM,P,PE, R,SG) 4.1% (MA)	35%
6404.11.89	Other	90¢/pr. + 20%	Free (AU,BH,CA, CL,D,E,IL,J+,JO, MA, MX,OM,P, PE,R) 18¢/pr. + 4% (SG)	\$1.56/pr. + 35%”

4. Subheading 6404.19.40 is superseded by the following:

[Footwear with outer soles...]
 [Footwear with outer soles of rubber
 or plastics:]
 [Other:]
 [Other:]
 [Valued not over \$3/pair:]
 "Having soles (or mid-
 soles, if any) of
 rubber or plastics
 which are affixed
 to the upper
 exclusively with an
 adhesive (any mid-
 soles also being
 affixed exclusively
 to one another and to
 the sole with an
 adhesive); the
 foregoing except
 footwear having a
 foxing or a foxing-like
 band applied or
 molded at the sole
 and overlapping the
 upper and except
 footwear with soles
 which overlap the
 upper other than at
 the toe or heel:

"6404.19.41

With an upper of
 vegetable fibers
 and having an
 outer sole with
 textile materials
 having the
 greatest surface
 area in contact
 with the ground,
 but not taken into
 account under
 the terms of
 additional U.S.
 Note 5 to this
 chapter

7.5%

Free (AU,BH,CA,
 CL,D,E,IL,J+,JO,
 MX,OM,P,PE,
 R,SG)
 2.4% (MA)

35%

[Footwear with outer soles...]
 [Footwear with outer soles of rubber or plastics:]
 [Other:]
 [Other:]
 [Valued not over \$3/pair:]
 [Having soles (or mid-soles, if any) of rubber or plastics which are affixed to the upper exclusively with an adhesive (any mid-soles also being affixed exclusively to one another and to the sole with an adhesive); the foregoing except footwear having a foxing or a foxing-like band applied or molded at the sole and overlapping the upper and except footwear with soles which overlap the upper other than at the toe or heel:]

6404.19.47

With an upper of textile material other than vegetable fibers and having an outer sole with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. Note 5 to this chapter

12.5%

Free (AU,BH,CA, CL,D,E,IL,J+,JO, MX,OM,P,PE, R,SG)

35%

6404.19.49

Other

37.5%

4.1% (MA)
 Free (AU,BH,CA, CL,D,E,IL,J+,JO, MA,MX,OM,P, PE,R)
 7.5% (SG)

66%”

5. Subheading 6404.19.50 is superseded by the following:

	[Footwear with outer soles...]			
	[Footwear with outer soles of rubber or plastics:]			
	[Sports footwear...]			
	[Other:]			
	[Valued not over \$3/pair:]			
	“Other:			
6404.19.51	With an upper of vegetable fibers and having an outer sole with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. Note 5 to this chapter	7.5%	Free (AU,BH,CA, CL,D,E,IL,J+,JO, MX,OM,P,PE, R,SG) 2.4% (MA)	35%
6404.19.57	With an upper of textile material other than vegetable fibers and having an outer sole with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. Note 5 to this chapter	12.5%	Free (AU,BH,CA, CL,D,E,IL,J+,JO, MX,OM,P,PE, R,SG)	35%
6404.19.59	Other	48%	Free (AU,BH,CA, CL,D,E,IL,J+,JO, MA,MX,OM,P, PE,R) 9.6% (SG)	84%”

6. Subheading 6404.19.70 is superseded by the following:

[Footwear with outer soles...:]
 [Footwear with outer soles of rubber
 or plastics:]
 [Other:]
 [Other:]
 [Valued over \$3 but not
 over \$6.50/pair:]
 "Other:

6404.19.71	With an upper of vegetable fibers and having an outer sole with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. Note 5 to this chapter	7.5%	Free (AU,BH,CA, CL,D,E,IL,J+,JO, MX,OM,P,PE, R,SG) 4.1% (MA)	35%
6404.19.77	With an upper of textile material other than vegetable fibers and having an outer sole with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. Note 5 to this chapter	12.5%	Free (AU,BH,CA, CL,D,E,IL,J+,JO, MX,OM,P,PE, R,SG) 4.1% (MA)	35%
6404.19.79	Other	90¢/pr. + 37.5%	Free (AU,BH,CA, CL,D,E,IL,J+,JO, MA, MX,OM,P, PE,R) 18¢/pr. + 7.5% (SG)	\$1.58/pr. + 66%"

7. Subheading 6404.19.80 is superseded by the following:

[Footwear with outer soles...]
 [Footwear with outer soles...]
 [Other:]
 [Other:]

"Valued over \$6.50 but not over \$12/pair:

6404.19.81	With an upper of vegetable fibers and having an outer sole with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. Note 5 to this chapter	7.5%	Free (AU,BH,CA, CL,D,E,IL,J+,JO, MA,MX,OM,P,PE, R,SG) 4.1% (MA)	35%
6404.19.87	With an upper of textile material other than vegetable fibers and having an outer sole with textile materials having the greatest surface area in contact with the ground, but not taken into account under the terms of additional U.S. Note 5 to this chapter	12.5%	Free (AU,BH,CA, CL,D,E,IL,J+,JO, MA,MX,OM,P,PE, R,SG) 4.1% (MA)	35%
6404.19.89	Other	90¢/pr. + 20%	Free (AU,BH,CA, CL,D,E,IL,J+,JO, MA,MX,OM,P, PE,R) 18¢/pr. + 4% (SG)	\$1.58/pr. + 35%"