

United States International Trade Commission

Certain Footwear: Recommendations for Modifying the Harmonized Tariff Schedule of the United States

Investigation No. 1205-8 (Preliminary)

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U.S. International Trade Commission

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OVERVIEW

The purpose of preparing and publishing this preliminary report is to provide formal notice of proposed changes to the Harmonized Tariff Schedule of the United States that were requested by the Department of the Treasury and to solicit comments from the public and from other government agencies to assist the Commission in making final recommendations to the President, as required by section 1205 of the Omnibus Trade and Competitiveness Act of 1988.

In a letter dated January 15, 2010, the Department of the Treasury requested that the U.S. International Trade Commission (the Commission) institute an investigation under section 1205 (19 U.S.C. 3005)¹ regarding the administration of chapter 64 of the Harmonized Tariff Schedule of the United States (HTS). The letter set forth a proposed additional U.S. note and various modifications of tariff rate lines of chapter 64 concerning “certain footwear featuring outer soles of rubber or plastics to which a layer of textile material has been added.” The proposed changes would, according to the letter, “promote the uniform application of the Harmonized System Convention as well as alleviate unnecessary administrative burdens.” A copy of the request letter is included in appendix A to this report.

In formulating recommendations to the President, the Commission follows a two-step process: (1) it gives notice of proposed recommendations and solicits views of interested Federal agencies and the public regarding those proposed recommendations, and (2) after considering the views received in response to that notice, it makes final recommendations to the President. This preliminary report contains the Commission’s proposed recommendations, and the Commission is now seeking the views of interested Federal agencies and the public. Such views should be submitted to the Commission by June 25, 2010, in accordance with the procedures set out in the Commission’s notice of institution published in the *Federal Register* of April 13, 2010 (75 F.R. 18882) and summarized below. A copy of the *Federal Register* notice is included in appendix A to this report.

As provided in the statute and noted in the request letter from Treasury, the Commission may make recommendations aimed at promoting the uniform application of the HS Convention and nomenclature and at alleviating unnecessary administrative burdens, among other objectives specified in the statute.² The Commission is also required to provide a statement of the probable economic effect of each recommended change on any industry in the United States.

In accordance with section 1205, the Commission is soliciting, and giving consideration to, the views of interested Federal agencies and the public before recommending modifications to the HTS. This preliminary report to the President presents the Commission’s proposed recommendations, summarizes the information on which its recommendations are based, and presents concordances between present and

¹ This section was enacted in the Omnibus Trade and Competitiveness Act of 1988 (the 1988 Act), Public Law 100-418, which approved implementation of the HTS and repealed the former Tariff Schedules of the United States effective as of January 1, 1989.

² The Commission’s recommendations have largely involved conforming the HTS with amendments made to the HS nomenclature structure or the classification of goods thereunder, following actions of the World Customs Organization (WCO). The HS amendments involved in such prior investigations under section 1205 were issued by the WCO to take effect in 1991, 1996, 2002, and 2007. Another current investigation under this statute, investigation No. 1205-7, deals with HS amendments scheduled for implementation on January 1, 2012. The proposed modifications to the HTS involved in that investigation were set out in the Commission’s preliminary report of April, 2010 (Publication 4134).

proposed tariff categories. A statement of the probable economic effects of recommended changes on any industry in the United States is included. Copies of any written comments received from Federal agencies and interested parties of the private sector will be included in the final report to the President. Issues raised in these comments will also be summarized and addressed, where appropriate, in the final report.

The information contained in the final report will be obtained from or based upon documents of the WCO, research by the Commission's staff, consultations with and communications from Government agencies, written submissions from interested parties in the private sector, and input from other sources, as appropriate. In addition to the Commission's proposed recommendations, this preliminary report includes background information on the international HS and on the procedures involved in its modification, an appendix presenting the proposed HTS modifications (appendix B), and correlation tables between present and recommended HTS subheadings (appendix C (sorted by proposed HTS subheading) and appendix D (sorted by current HTS subheading)).

The Commission's preliminary report is being placed on the Commission's Internet site (http://www.usitc.gov/tariff_affairs/modifications_hts.htm). It is anticipated that further information may be developed, particularly during any discussions USTR may conduct at the World Trade Organization (WTO) in connection with the modifications of the U.S. schedule of concessions, in which case it may be necessary to reconsider the derivation of certain tariff rates and possibly to address other issues. Accordingly, the Commission's investigation will remain open as necessary to address any such matters in order to complete the record.

RECOMMENDATIONS

BACKGROUND

The Harmonized System Convention

Subtitle B of title I of the Omnibus Trade and Competitiveness Act of 1988 (the 1988 Act) approved the United States' accession to the International Convention on the Harmonized Commodity Description and Coding System (the Convention), which was completed in Brussels on June 14, 1983, under the auspices of the Customs Cooperation Council.³ The Convention established a standardized tariff nomenclature for goods in trade,⁴ the purpose of which was, and is, to facilitate international trade through the use of a single nomenclature structure for the description, classification, and coding of imports and exports of the contracting parties. This nomenclature, under the requirements of the Convention, assists in the collection, comparison, and analysis of international trade statistics. Article 3 of the Convention requires each contracting party to use the HS nomenclature as the basis of its customs tariff nomenclature and publication of foreign trade statistics and to apply the general rules for the interpretation of the nomenclature in classifying goods.

³The Customs Cooperation Council (CCC) was renamed the World Customs Organization (WCO) in 1994; although it is still referred to in legal documentation as the CCC, it is commonly referred to now as the WCO.

⁴The annex to the Convention contains the Harmonized Commodity Description and Coding System, commonly referred to as the Harmonized System or HS, which includes the HS structured nomenclature, rules of interpretation, and legal notes. The 1988 Act implemented the HTS, which incorporates the structure of the HS nomenclature.

The Convention created the Harmonized System Committee, made up of representatives of all the contracting parties to the Convention. Among the HSC's functions is the preparation of recommendations for achieving uniform interpretation of the HS nomenclature by the members and for keeping the HS product categories current, taking into account technological developments and changing patterns in international trade. These recommendations are issued as amendments to the Convention, especially to the HS annex, and may be reflected in one or more related publications of the WCO, notably the Explanatory Notes to the HS and the Compendium of Classification Opinions, on which the contracting parties rely for guidance in the understanding of the nomenclature. While the Explanatory Notes and Compendium are helpful and authoritative sources of such information, they are not legally binding on the contracting parties.

The amendments to the HS recommended by the WCO generally arise in two contexts: (1) the HSC's actions on classification questions or disputes initiated by members, and (2) the work of a Review Subcommittee (RSC), when its recommendations are subsequently approved by the HSC and ultimately by the WCO. The RSC was established in 1990 by the HSC to review the HS nomenclature on a regular basis and to consider possible changes needed to keep it current with changes in technology and trade patterns. These recommended amendments are set forth in a document presented to the contracting parties to the Convention under the process set forth in Article 16 to the Convention. Most of the amendments set forth in the WCO's Article 16 recommendation⁵ that is under consideration in ongoing investigation No. 1205-7 involve RSC proposals that resulted from its most recent review cycle.

Pursuant to Article 16, amendments to the HS that have been recommended to members by the WCO are deemed to be accepted 6 months after the date of notification of the recommendation by the Secretary General, provided that there is no objection outstanding before the WCO at the end of this period. By agreement of the members, any amendments to the Explanatory Notes or to the Compendium of Classification Opinions are deemed to be accepted when no objection is notified within 3 months of HSC approval.

Executive Authority

Section 1206 of the 1988 Act authorizes the President to proclaim certain types of modifications to the HTS, on the basis of the Commission's proposed recommendations under section 1205 of the 1988 Act, including changes needed to bring the HTS into conformity with proposed WCO amendments of the HS nomenclature. The Commission is directed by section 1205(a) to keep the HTS under continuous review and to recommend appropriate modifications to the President whenever amendments to the HS nomenclature are adopted by the WCO and as warranted by particular circumstances:

“[The Commission] shall recommend to the President such modifications in the Harmonized Tariff Schedule as [it] considers necessary or appropriate—

⁵Article 16 of the HS Convention sets out the procedures for amending the Convention and its HS annex, including provisions for contracting parties to notify the WCO Secretary General of objections to any recommended amendment. A copy of the WCO recommendation of June 26, 2009, which is the source of the amendments proposed to the HTS in investigation No. 1205-7, can be found on the Commission's website, http://www.usitc.gov/tariff_affairs/modifications_hts.htm.

- (1) to conform the [HTS] with amendments made to the Convention;⁶
- (2) to promote the uniform application of the Convention and particularly the Annex thereto;
- (3) to ensure that the HTS is kept up-to-date in light of changes in technology or changes in patterns of international trade;
- (4) to alleviate unnecessary administrative burdens; and
- (5) to make technical rectifications.”⁷

Section 1205(d) provides that the Commission cannot recommend a modification to the HTS unless the change (1) is “consistent with the Harmonized System Convention or any amendment thereto recommended for adoption;” (2) is “consistent with sound nomenclature principles;” and (3) “ensures substantial rate neutrality.” Any modification that would change a rate of duty must be consequent to, or necessitated by, recommended nomenclature changes. Finally, the recommended modifications “must not alter existing conditions of competition for the affected U.S. industry, labor, or trade.”

Section 1206 of the 1988 Act authorizes the President to proclaim modifications to the HTS, on the basis of recommendations by the Commission under section 1205, if he determines that the recommended changes are in conformity with U.S. obligations under the HS Convention and do not run counter to the national economic interest of the United States. The modifications can be proclaimed only after the expiration of a 60-day layover period⁸ that begins on the date the President submits a report to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate; the report must enumerate the proposed modifications and the reasons for making them. Under the terms of the 1988 Act, such proclaimed modifications cannot become effective before the 30th day after the implementing proclamation is published in the *Federal Register*.

RECOMMENDED MODIFICATIONS TO THE HTS

The duty rates set forth in appendix B for the proposed HTS subheadings are those which are scheduled to be in effect as of January 1, 2011. Though they are not labeled as such in appendix B, the

⁶Under the terms of article 2 of the HS Convention, the nomenclature annex is a part of the Convention, and a reference to the Convention is deemed to include a reference to the annex.

⁷Section 1202(6) of the 1988 Act limits the scope of “technical rectifications” to include clerical or typographical errors that do not affect the substance or meaning of the text, such as errors in spelling, numbering, punctuation, or indentation and also to inadvertent errors (including inadvertent omissions) in cross-references between headings, subheadings, or notes, as well as to similar errors. The Commission recommends, wherever possible, appropriate conforming changes in legal notes or other provisions of the HTS, primarily to replace superseded heading or subheading references with the corresponding new references.

⁸This period is computed based on “legislative days” and therefore excludes Saturdays and Sundays (unless Congress is in session) and any other day on which either the House or the Senate is not in session.

three tariff rate columns coincide with Column 1-General, Column 1-Special, and Column 2, as they appear in the HTS. If and when a proposed new HTS subheading represents the combination of two or more existing HTS subheadings with differing Column 1-General duty rates, the proposed General rate for the new subheading is based on that for the existing subheading or subheadings that account for a preponderance of the trade under the proposed new subheading. Any staged duty-rate reductions that have already been established by Presidential Proclamation (e.g., as a result of bilateral, regional, or multilateral trade agreements) for existing HTS provisions would continue to be applied on and after the January 1, 2011, implementation date, as appropriate under the recommended new provisions, as a result of revised staged rate reduction tables that will be included in any eventual Proclamation that may be signed by the President.⁹ Further, the duty rates shown may be subject to change as a result of legislation or proclamations that may take effect between the time that the Commission submits its final report to USTR and the projected implementation date of January 1, 2011; such changes would be incorporated in any final implementing proclamation before it is submitted to the President for signature.

Finally, although the amendments to the HTS that would be proclaimed by the President deal only with legal amendments to the HTS (i.e., those at the 8-digit level), this report also includes, as reference information to the public, projected 10-digit statistical reporting numbers that are expected to carry over from the present (2010) HTS.¹⁰ Given that the purpose of this preliminary report is to solicit public comment, the Commission seeks views on both the legal and statistical changes shown in appendix B and the correlation tables in appendixes C and D, but does not propose to create new statistical reporting numbers during this process.

COMMENTS AND CHANGES ARISING FROM THE PRELIMINARY REPORT

Classification of footwear in the HTS

The following paragraphs set forth a summary of the characteristics at issue with regard to the subject footwear, explain the intent of the proposed HTS modifications, and indicate the changes (and the reasons therefor) with respect to the proposed HTS subheadings set forth in the request letter. Editorial and formatting adjustments are also briefly noted.

Headings 6401 through 6405 of the HTS categorize footwear based on the constituent material of the outer sole and that of the uppers. Other physical characteristics, such as whether the footwear is waterproof or covers the ankle, determine narrower groupings at the HS level, and still other features (such as whether the footwear incorporates a protective metal toe cap) are specified at the U.S. tariff rate line level. Duty rates on footwear range from free to 48% ad valorem; many tariff rate lines for footwear with outer soles of rubber or plastics have Column 1-General duty rates of 37.5% ad valorem or of 90

⁹The one- or-two letter alphabetical symbols in the middle column of duty rates (representing the Column 1-Special duty rate column in the HTS) are explained in detail in the General Notes at the beginning of the HTS. See HTS General Note 3(c)(i), which may be found on line at <http://www.usitc.gov/tata/hts/bychapter/index.htm>, and subsequent General Notes for the requirements of individual preferential duty programs.

¹⁰Statistical reporting numbers appear in appendix B, in italics, directly beneath the 8-digit legal lines to which they belong. The units of quantity specified in the HTS for the reporting of goods in trade are omitted from the appendix. See the Preface to the HTS for an explanation of these nonlegal provisions and the administrative process concerned.

cents per pair plus 37.5% ad valorem. Footwear with outer soles of textile materials generally falls in heading 6405, which covers “other footwear,” at Column 1-General rates that range from 2.5% to 12.5% ad valorem.

Note 4(b) to chapter 64 of the HTS provides that, in classifying footwear in provisions that specify the constituent materials of the outer sole, classification is to be determined by “the material having the greatest surface area in contact with the ground, no account being taken of accessories or reinforcements such as spikes, bars, nails, protectors or similar attachments.” Customs and Border Protection (CBP) has issued a number of rulings holding that a textile material applied to the surface of an outer sole otherwise made of rubber or plastics is considered the determinative constituent material under Note 4(b) when the textile material covers the majority of the outer sole in contact with the ground. These rulings serve as the impetus for the request letter, which lays out the history of the classification questions about the subject footwear and thereby indicates the reasons for the request.

Discussion of HS criteria

The United States request to the WCO’s HSC led the HSC to consider the classification of three types of footwear having rubber/plastics outer soles with varying added textile layers and ultimately to issue formal amendments to the Compendium of Classification Opinions,¹¹ again as noted in the request letter. In the first amendment, Classification Opinion 6405.20/1 involved a shoe having a textile upper and an outer sole of rubber, 52 percent of the surface of which was covered with a textile flock partially embedded in the rubber. For this footwear, the textile material was found to be the constituent material of the outer sole and thus controlling that aspect of tariff classification. A different outcome resulted in Classification Opinions 6404.19/1 and 6404.19/2, in which an attached layer of textile material was held not to be the constituent material of the outer sole. The General Explanatory Note to chapter 64, amended to take into account these Classification Opinions, elaborates on how the measurement of surface materials is to be accomplished and which elements (attached accessories and reinforcements) are to be ignored.¹²

The request letter states, however, that in Treasury’s view the Explanatory Note and the decisions do not provide “an adequate distinction” between textile accessories and reinforcements that are to be ignored and those textile additions or layers that are to be counted in measuring the materials on the outer sole. The proposed Additional U.S. Note set forth in the request letter is intended to do so, but it would require new interpretive decisions for many types of footwear. The proposed note would adopt a “normal use” requirement relating to the footwear, under which textile materials lacking durability or other such characteristics required during normal use would be ignored in measuring the outer sole’s materials. The application of such a standard to footwear covered by various CBP rulings would result, according to the letter, in the reclassification of some footwear from HS heading 6405 to other provisions of chapter 64, necessitating the insertion of new subheadings to continue prior duty treatment. As set forth in the request letter, however, the proposed subheadings would apparently distinguish footwear based on whether it contains a layer that is to be ignored under the proposed new note. In examining the proposals, it seemed desirable to attempt to suggest certain modifications to the provisions in the request letter so that classification is based upon the existence of physical characteristics and not their absence.

¹¹ See Annex O/19, Doc. NC0938B3b (HSC/35 – Report); Annex F/2, Doc. NC1004E1b (HSC/36 – Report); and Annex O/16, Doc. NC1059B2b (HSC/37 – Report).

¹² See GEN 64(C), Harmonized System Explanatory Notes 2007, vol. 3, as amended as the HSC’s 37th session.

Instead of the note language proposed in the request letter, a positive standard that attempts to achieve the same result through the new note might be worded as follows:

“For purposes of determining the constituent material of the outer sole pursuant to note 4(b) to this chapter, applied textile materials possessing the characteristics required for the durability of an outer sole during normal use shall be taken into account.”

The article descriptions could then adopt the wording of the note more closely. In this regard, comments from interested parties and from other Federal agencies will be helpful in arriving at the clearest approach.

Corrections

Modifications were made in appendix B to correct certain Column 1-General and Column 1-Special duty rates. Specifically, the request letter proposed a general duty rate of 2.5% ad valorem for new subheadings 6404.19.51 and 6404.19.61. A telephone conference with the requestor on May 19, 2010 confirmed that the intended general rate for each subheading is 12.5% ad valorem. The references were verified or modified and any typographical errors were corrected in the cross-reference tables (appendixes C and D).

PROBABLE ECONOMIC EFFECTS OF RECOMMENDED MODIFICATIONS

The Commission considers the recommended HTS modifications to be appropriate to provide for the goods concerned under the proper HS headings or subheadings without altering existing Customs tariff treatment.¹³ Furthermore, it is believed that the modifications would not alter existing conditions of competition for the affected U.S. industries, labor, or trade. It is believed that China supplies the majority of the U.S. market for the subject footwear and that little if any such footwear is produced within the United States customs territory. The information collected by the Commission indicates that these modifications, if proclaimed, would ensure substantial rate neutrality and would have little or no significant economic effect on U.S. industry or labor.

¹³It should be noted that the rules of origin under various U.S. free trade or trade promotion agreements, as set out in pertinent HTS general notes for purposes of Customs administration, must be modified following appropriate procedures under each such agreement and implemented by the parties according to their national legal regimes. As a result, the HTS general notes would need to be modified by subsequent proclamations over time as each set of rectifications to agreement rules of origin is finalized and given effect. Administrative action by Customs is undertaken during the period leading to implementation of each set of rules of origin rectifications so as to continue the tariff commitments under each agreement.

APPENDIX A

**REQUEST LETTER FROM THE
TREASURY DEPARTMENT
AND
FEDERAL REGISTER NOTICE INSTITUTING THE
INVESTIGATION**



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

JAN 15 2010

Mr. David B. Beck
Office of Tariff Affairs and Trade Agreements
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

RE: Proposed Modifications to the Harmonized Tariff Schedule of the United States (HTSUS) Pursuant to Section 1205 of the Omnibus Trade and Competitiveness Act of 1988; Special Classification Provisions in Chapter 64 of the HTSUS

Dear Mr. Beck:

Pursuant to Section 1205 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. §3005), the Department of the Treasury respectfully requests that the International Trade Commission (ITC) commence a Section 1205 investigation regarding the administration of Note 4(b) to Chapter 64, Harmonized Tariff Schedule of the United States (HTSUS). We specifically request that the ITC recommend to the President the addition of an Additional U.S. Note and the amendment of certain classification provisions in Chapter 64 of the HTSUS relating to certain footwear featuring outer soles of rubber or plastics to which a layer of textile material has been added. These suggested measures would promote the uniform application of the Harmonized System Convention as well as alleviate unnecessary administrative burdens.

Tariff Classification of Footwear

Classifying footwear at the heading level requires consideration of the composition of the upper and the outer sole of the footwear. With regard to determining the composition of the outer sole, Legal Note 4(b) states the following: “[t]he constituent material of the outer sole shall be taken to be the material having the greatest surface area in contact with the ground, no account being taken of accessories or reinforcements such as spikes, bars, nails, protectors or similar attachments.”

Customs and Border Protection (CBP) has issued a number of decisions holding that textile material added to an outer sole that is otherwise composed of rubber or plastics will be considered the constituent material of the outer sole when it covers the majority of the surface area of the outer sole in contact with the ground.¹ We have undertaken a review of these decisions in conjunction with the events which are described below.

¹ See Headquarters Ruling Letter 965751, dated November 18, 2002, in which CBP, responding to a Petition by Domestic Interested Party filed pursuant to 19 U.S.C. § 1516, held that such textile material should be taken into

HSC Decisions on Footwear Featuring Rubber/Plastics Outer Soles with a Layer of Textile Material Attached to the Surface Area

At the request of the United States, at its 34th Session, the Harmonized System Committee (HSC) of the World Customs Organization examined the issue of the classification of three types of footwear featuring rubber/plastics outer soles with an added layer of textile material. The Committee decided to classify the first two samples in subheading 6404.19² and a third sample in subheading 6405.20³, by application of General Interpretative Rules (GRI) 1 and 6. By letter of December 3, 2004, China entered a reservation on the decisions classifying two of the samples in subheading 6404.19.⁴ As a consequence, the HSC approved an amendment to the Compendium of Classification Opinions only for the sample classified in subheading 6405.20. Classification Opinion 6405.20/1 (HSC/35) describes a shoe with a textile upper and an outer sole of rubber, 52 percent of which was covered with textile flock that was partially embedded in the rubber, and provides for classification in subheading 6405.20.

The HSC ultimately reconsidered the tariff classification of the other samples at its 36th Session and confirmed that the samples were indeed classified in subheading 6404.19.⁵ Amendments to the Compendium of Classification Opinions reflecting the decisions made at HSC/36 were approved by the HSC at its 37th Session.⁶ In 6404.19/1 (HSC/37, March 2006), a woman's shoe with a textile upper and an outer sole of plastics, 67.5 percent of which was covered with flocking (fibers of rayon not exceeding 5mm in length) in a manner that created a design and trademark, was classified in subheading 6404.19. Similarly, in 6404.19/2 (HSC/37, March 2006), a woman's shoe with a textile upper and an outer sole of plastics, 78 percent of which was covered by a detachable knitted polyester fabric that was affixed to it at the ball of the foot and heel, was also classified in subheading 6404.19. In both of these classification opinions, the textile material on the footwear was considered to be an "accessory or reinforcement" and was therefore not taken into account in determining the constituent material of the outer sole having the greatest surface area in contact with the ground.

Unlike the footwear in Classification Opinion 6405.20/1, in which the textile flock was found to be partially embedded, the textile material on the footwear subject to Classification Opinions 6404.19/1 and 6404.19/2 was found to be merely attached, and consequently was determined not to be the constituent material of the outer sole.

In addition to the foregoing classification opinions, the HSC adopted an amendment to the General Explanatory Note (EN) (C) to Chapter 64 (GEN 64(C)) at HSC/37. GEN 64(C) now reads as follows:

account for the purposes of Note 4(b) to Chapter 64, HTSUS, notwithstanding the fact that the textile material wears off after very limited use. CBP also issued approximately twenty rulings following this line of reasoning.

² Subheading 6404.19 provides for: "Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials: Footwear with outer soles of rubber or plastics: Other."

³ Subheading 6405.20 provides for: "Other footwear: With uppers of textile materials."

⁴ See Annex O/19, Doc. NC0938B3b (HSC/35 - Report).

⁵ See Annex F/2 to Doc. NC1004E1b (HSC/36 - Report).

⁶ See Annex O/16 to Doc. NC1059B2b (HSC/37 - Report).

The term "outer sole" as used in headings 64.01 to 64.05 means that part of the footwear (other than an attached heel) which, when in use, is in contact with the ground. The constituent material of the outer sole for purposes of classification shall be taken to be the material having the greatest surface area in contact with the ground. In determining the constituent material of the outer sole, no account should be taken of attached accessories or reinforcements which partly cover the sole (see Note 4(b) to this Chapter). These accessories or reinforcements include spikes, bars, nails, protectors or similar attachments (including a thin layer of textile flocking (e.g., for creating a design) or a detachable textile material, applied to but not embedded in the sole).

The HSC classification opinions and GEN 64(C) reiterate that "accessories or reinforcements," covering or affixed to the outer sole, are not to be taken into account in determining the constituent material of the outer sole. As made clear in these sources, "accessories or reinforcements" can take the form of spikes, bars, nails, protectors, flocking, detachable textile material or similar items that may be positioned on the outer sole. Such "accessories or reinforcements" are subordinate in the formation of the outer sole to the extent that if they were detached, an outer sole of another material remains. The HSC classification opinions and GEN 64(C) also stated that material that is "embedded" is not regarded as subordinate in the formation of the outer sole. "Embedded" material is not an accessory or reinforcement, but part of the actual outer sole that is to be taken into account in determining the constituent material of the outer sole as described by Note 4(b) to Chapter 64, HTSUS.

It does not appear that the decisions of the HSC, as reflected in the General Explanatory Note, draw an adequate distinction between textile layers on outer soles that are to be considered accessories or reinforcements and those which are not. Rather than basing the question on the manner in which the textile layer is applied, such a distinction should be drawn based on whether the layers of textile materials possess the characteristics usually required for normal use of an outer sole, such as durability or strength. Those which do not should be considered accessories and reinforcements and should not be taken into consideration for classification purposes.

Accordingly, we respectfully request that, in light of the decisions taken by the HSC with respect to GEN 64(C) and the scope of Note 4(b) to Chapter 64 of the Harmonized System, an Additional U.S. Note be added to Chapter 64, HTSUS, to clarify that textile materials that do not possess the characteristics usually required for normal use of an outer sole (e.g., durability strength, etc.) should not be taken into account for classification purposes when added to an outer sole.

Specifically, we suggest that the following Additional U.S. Note be inserted in Chapter 64 of the Harmonized Tariff Schedule of the United States:

- "5. For purposes of determining the constituent material of the outer sole pursuant to Note 4(b) to this Chapter, no account

shall be taken of textile materials which do not possess the characteristics usually required for normal use of an outer sole, including durability and strength.”

On the basis of rulings issued by CBP, the tariff classification of certain imported footwear falling under the scope of the proposed Additional U.S. Note 5 will change from subheadings 6405.20.30, 6405.20.90, and 6405.90.90 to other subheadings in Chapter 64, HTSUS.⁷ Accordingly, in order to ensure substantial rate neutrality, and to reflect our understanding of current trade patterns, we respectfully request that new tariff lines be inserted into the structure of headings 6402 and 6404, HTSUS, as follows:

(A) Subdivide subheading 6402.99.60 into the following two new subheadings:

	Valued not over \$3/pair:	
6402.99.61	Including a layer described by additional U.S. Note 5 to this Chapter.....	12.5%
6402.99.69	Other	48%

(B) Subdivide subheading 6402.99.70 into the following two new subheadings:

	Valued over \$3 but not over \$6.50/pair:	
6402.99.71	Including a layer described by additional U.S. Note 5 to this Chapter.....	12.5%
6402.99.79	Other	90¢/pair + 37.5%

(C) Subdivide subheading 6404.11.40 into the following two new subheadings:

	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:	
6404.11.41	Including a layer described by additional U.S. Note 5 to this Chapter.....	7.5%
6404.11.49	Other	37.5%

(D) Subdivide subheading 6404.11.50 into the following two new subheadings:

	Other:	
6404.11.51	Including a layer described by additional U.S. Note 5 to this Chapter.....	7.5%

⁷ In particular, footwear with textile material attached to the outer sole is classifiable in subheadings 6405.10.10, HTSUS, at 10 percent *ad valorem*, 6405.20.30, HTSUS, at 7.5 percent *ad valorem*, and 6405.20.90, HTSUS, at 12.5% *ad valorem*.

6404.11.59 Other 48%

(E) Subdivide subheading 6404.11.60 into the following two new subheadings:

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:

6404.11.61 Including a layer described by additional U.S. Note 5 to this Chapter..... 7.5%
6404.11.69 Other 37.5%

(F) Subdivide subheading 6404.11.70 into the following two new subheadings:

Other:

6404.11.71 Including a layer described by additional U.S. Note 5 to this Chapter..... 7.5%
6404.11.79 Other 90¢/pair + 37.5%

(G) Subdivide subheading 6404.11.80 into the following two new subheadings:

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

6404.11.81 Including a layer described by additional U.S. Note 5 to this Chapter..... 7.5%
6404.11.89 Other 90¢/pair + 20%

(H) Subdivide subheading 6404.19.35 into the following three new subheadings:

Other:

6404.19.36 Including a layer described by additional U.S. Note 5 to this Chapter and with uppers of vegetable fibers 7.5%
6404.19.37 Including a layer described by additional U.S. Note 5 to this Chapter and with uppers of materials other than vegetable fibers 12.5%
6404.19.39 Other 37.5%

(I) Subdivide subheading 6404.19.40 into the following two new subheadings:

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	Including a layer described by additional U.S. Note 5 to this Chapter.....	12.5%
6404.19.49	Other	37.5%

(J) Subdivide subheading 6404.19.50 into the following two new subheadings:

Other:		
6404.19.51	Including a layer described by additional U.S. Note 5 to this Chapter.....	2.5%
6404.19.59	Other	48%

(K) Subdivide subheading 6404.19.60 into the following two new subheadings:

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:		
6404.19.61	Including a layer described by additional U.S. Note 5 to this Chapter.....	2.5%
6404.19.69	Other	37.5%

(L) Subdivide subheading 6404.19.70 into the following two new subheadings:

Other:		
6404.19.71	Including a layer described by additional U.S. Note 5 to this Chapter.....	12.5%
6404.19.79	Other	90¢/pair + 37.5%

(M) Subdivide subheading 6404.19.80 into the following two new subheadings:

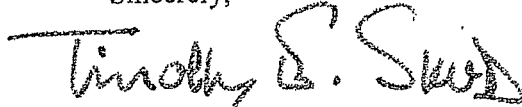
Valued over \$6.50 but not over \$12/pair:		
6404.19.81	Including a layer described by additional U.S. Note 5 to this Chapter.....	12.5%
6404.19.89	Other	90¢/pair + 20%

The above-described amendments to Chapter 64 of the HTSUS will ensure that footwear featuring outer soles of rubber and plastics with a layer of textile material added to the surface

area of the outer sole will promote, in a rate neutral manner, uniform application of the Harmonized System Convention while mitigating the administrative burden of enforcing the classification principle set forth by the HSC in General EN 64(C).

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Timothy E. Skud". The signature is written in a cursive style with a prominent horizontal line at the beginning.

Timothy E. Skud
Deputy Assistant Secretary
Tax, Trade, and Tariff Policy

cc: Shara L. Aranoff, Chairman, U.S. International Trade Commission

The current 1988 BLM Pocatello Resource Management Plan (RMP) does not identify this parcel of public land for disposal; however, this plan is currently undergoing revision and includes alternatives addressing land tenure adjustments which do identify this parcel of public land for disposal. An amendment to the current 1988 plan may be necessary if the BLM ultimately decides to convey this parcel prior to the completion of the revision of this plan.

Conveyance of the identified public lands would be subject to valid existing rights and encumbrances of record, including but not limited to, rights-of-way for roads and public utilities. The conveyance would also be subject to an appropriate indemnification provision protecting the United States from claims arising out of the patentee's use, occupancy, or occupation on the patented lands. Conveyance of any mineral interests pursuant to Section 209 of the FLPMA will be analyzed during processing of the proposed sale.

The proposed direct sale is allowable pursuant to 43 CFR 2711-3.3(a)(2) and (a)(3). Specifically, the proposed sale is an integral part of the mineral lease development at the Dairy Syncline Phosphate Lease Area. According to the applicant, the economic viability of this project is dependent upon the successful transfer of this land through sale to the mineral lessee. The mineral lessee would suffer substantial economic loss if the proposed sale tracts were purchased by another party or if the tracts were made unavailable for sale or exchange.

The land proposed for sale would not be sold unless the BLM ultimately issues an approval for a mine and reclamation plan that includes this land as a component necessary for operation of the mine and development of the Federal mineral leases. On April 13, 2010, the above-described land will be segregated from all forms of appropriation under the public land laws, including the mining laws and mineral leasing laws, except the sale provisions of the FLPMA. Until completion of the sale or termination of the segregation, the BLM is no longer accepting land use applications affecting the identified public land, except applications for the amendment of previously filed right-of-way applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2807.15 and 2886.15.

The segregative effect will terminate upon issuance of a patent or other conveyance document, publication in the *Federal Register* of a termination of

the segregation, or on April 13, 2012, whichever occurs first, unless the segregation period is extended by the BLM State Director in accordance with 43 CFR 2711.1-2(d) prior to the termination date.

Public Comments: For a period until May 28, 2010, interested parties and the general public may submit written comments concerning the land proposed for sale, including notification of any encumbrances or other claims relating to the identified land, to Field Manager, BLM Pocatello Field Office, at the above address. In order to ensure consideration in the environmental analysis of the proposed sale, comments must be in writing and postmarked or delivered within 45 days of the initial date of publication of this Notice. Comments transmitted via e-mail will not be accepted. Comments, including names and street addresses of respondents, will be available for public review at the BLM Pocatello Field Office during regular business hours, except holidays.

Individual respondents may request confidentiality. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 2711.1-2.

Dated: April 8, 2010.

David A. Pacioretty,
Pocatello Field Manager.

[FR Doc. 2010-8390 Filed 4-12-10; 8:45 am]

BILLING CODE 4310-GG-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 1205-8]

Certain Footwear: Recommendations For Modifying the Harmonized Tariff Schedule of the United States

AGENCY: United States International Trade Commission.

ACTION: Notice of institution of investigation and opportunity to comment on proposed recommendations.

SUMMARY: Following receipt of a letter from the U.S. Department of the Treasury (Treasury), the Commission instituted investigation No. 1205-8,

Certain Footwear: Recommendations for Modifying the Harmonized Tariff Schedule of the United States, pursuant to section 1205 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3005), for the purpose of submitting recommendations to the President regarding the addition of an Additional U.S. Note and the amendment of certain classification provisions in Chapter 64 of the Harmonized Tariff Schedule of the United States (HTS) relating to certain footwear featuring outer soles of rubber or plastic to which a layer of textile material has been added.

DATES:

May 14, 2010: Deadline for filing written submissions relating to proposed HTS changes requested by Department of Treasury.

May 28, 2010: Preliminary Commission report containing proposed recommendations posted on the Commission Web site at http://www.usitc.gov/tariff_affairs/modifications_hts.htm.

June 25, 2010: Deadline for filing written submissions to be included in final recommendations.

July 12, 2010: Transmittal of final recommendations to the President.

ADDRESSES: All Commission offices are located in the United States International Trade Commission Building, 500 E Street, SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436. The public record for this collection of proposals may be viewed on the Commission's electronic docket (EDIS) at <http://www.usitc.gov/secretary/edis.htm>.

FOR FURTHER INFORMATION CONTACT:

Donnette Rimmer, Nomenclature Analyst (202-205-0663, donnette.rimmer@usitc.gov), or Janis L. Summers, Attorney Advisor (202-205-2605, janis.summers@usitc.gov), of the Office of Tariff Affairs and Trade Agreements (fax 202-205-2616). The media should contact Margaret O'Laughlin, Office of External Affairs (202-205-1819, margaret.oloughlin@usitc.gov). Hearing impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet Web site (<http://www.usitc.gov>). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

Background: Section 1205(a) of the Omnibus Trade and Competitiveness Act of 1988 (the 1988 Act) (19 U.S.C. 3005(a)) provides that the Commission shall keep the HTS under continuous review and periodically recommend to the President such modifications in the HTS as the Commission considers necessary or appropriate to accomplish five general objectives. Among these stated objectives, section 1205(a)(2) of the 1988 Act directs the Commission to consider changes to the HTS to promote the uniform application of the Harmonized System Convention and particularly the Protocol thereto, which contains the Harmonized System nomenclature structure and accompanying legal notes. Section 1205(a)(4) directs the Commission to consider changes to the HTS to alleviate unnecessary administrative burdens. Subsections (b) through (d) of section 1205 describe the procedures the Commission is to follow in formulating recommendations, including with respect to soliciting and considering views of interested Federal agencies and the public. Section 1205(b)(1) requires that the Commission give notice of proposed recommendations and afford reasonable opportunity for interested parties to present their views in writing.

In a letter dated January 15, 2010, from Timothy E. Skud, Deputy Assistant Secretary of the Treasury for Tax, Trade, and Tariff Policy, Treasury asked that the Commission conduct an investigation under section 1205 for the purpose of making recommendations to the President regarding the addition of an Additional U.S. Note and the amendment of certain classification provisions in Chapter 64 of the HTSUS relating to certain footwear featuring outer soles of rubber or plastics to which a layer of textile material has been added. The letter included Treasury's proposed language for an Additional U.S. Note and proposed changes in various U.S. tariff rate lines at the 8-digit level that take into account decisions of the Harmonized System Committee of the World Customs Organization (WCO) on the classification of particular footwear for purposes of the Harmonized System. Treasury's letter provided additional background on the tariff classification of footwear and relevant decisions of U.S. Customs and Border Protection (Customs) and noted the decisions that are the basis of Treasury's request. A copy of Treasury's letter is being posted on the Commission's Web site at <http://www.usitc.gov>.

The Harmonized Commodity Description and Coding System (HS) nomenclature, which is maintained by

the WCO, provides a uniform structural basis for the customs tariffs and statistical nomenclatures of all major trading countries of the world, including the United States. The HS establishes the broadest principles of classification and levels of categories in the HTS, comprising the General Rules of Interpretation, Section and Chapter titles, Section and Chapter legal notes, and heading and subheading texts to the 6-digit level of detail. Additional U.S. Notes, further subdivisions (8-digit subheadings and 10-digit statistical annotations) and statistical notes, as well as the entirety of chapters 98 and 99 and several appendixes, are national legal and statistical detail added for the administration of the U.S. tariff and statistical programs and are not part of the international HS.

An up-to-date copy of the HTS, which incorporates the international HS in its overall structure, can be found on the Commission's Web site (<http://www.usitc.gov/tata/hts/bychapter/index.htm>). Hard copies and electronic copies on CD can be found at many of the 1,400 Federal Depository Libraries located throughout the United States and its territories; further information about these locations can be found at <http://www.gpoaccess.gov/fdlp.html> or by contacting GPO Access at the Government Printing Office at this telephone number: 866-512-1800.

The Commission will prepare a preliminary report containing proposed recommendations in order to provide notice to the public of potential HTS changes and to solicit comment and input. In preparing these proposed recommendations, the Commission will take into account Treasury's request, as well as all other appropriate legal and technical considerations relating to HTS Chapter 64, and will include where appropriate the input submitted by other agencies and interested parties. The Commission will post its preliminary report containing the proposed recommendations on its Web site at http://www.usitc.gov/tariff_affairs/modifications_hts.htm by May 28, 2010. The preliminary report will also include a non-authoritative cross-reference table prepared by Commission staff that will show the likely existing and future tariff classifications of the goods concerned. Any additional submissions from other agencies and the public based on the preliminary report must be filed by June 25, 2010, in order to be taken into account. The Commission will then prepare its final report and recommendations to submit to the President. Interested parties should be aware that Customs has domestic legal

authority for tariff classification and that Customs may provide information, both before and after the proposed recommendations are posted, that indicates different or additional tariff classifications of some goods. Thus, the classifications that appear in the Commission's cross-reference table are subject to change during the investigation.

Written submissions should be filed in accordance with the procedures below. Interested parties should take into account the classification of the merchandise concerned under the international Harmonized System as well as domestic decisions and seek to further the goals set out by section 1205 of the 1988 Act and the Harmonized System Convention. No proposals for changes to existing U.S. rates of duty or to 10-digit statistical annotations or notes will be considered by the Commission during its review. However, the Commission will examine information concerning the rates of duty currently utilized by importers in liquidated and undisputed entries of specific footwear that is the subject of this investigation. The changes in the HTS that may result from this investigation are not intended to alter current tariff rates but instead are intended to ensure that existing tariff rates continue to be applicable following the implementation of new U.S. tariff provisions.

Written Submissions: Interested parties and agencies are invited to file written submissions relating to the recommendations that the Commission should propose based on Treasury's request. They may also file, following the posting of the Commission's proposed recommendations, submissions relating to the recommendations that the Commission must submit to the President. All written submissions should be addressed to the Secretary. Written submissions relating to Treasury's request should be received no later than May 14, 2010, and those relating to the final recommendations the Commission should submit to the President should be received no later than June 25, 2010. Submissions should refer to "Investigation No. 1205-8" in a prominent place on the cover page and/or the first page. All written submissions must conform with the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 requires that a signed original (or a copy so designated) and fourteen (14) copies of each document be filed. In the event that confidential treatment of a document is requested, at least four (4)

additional copies must be filed, in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf). Persons with questions regarding electronic filing should contact the Secretary (202-205-2000).

Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "non-confidential" version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties. Confidential business information received in the proposals may be made available to Customs and Census during the examination of these proposals. The Commission will not otherwise publish or release any confidential business information received, nor release it to other government agencies or other persons.

By order of the Commission.
Issued: April 8, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010-8360 Filed 4-12-10; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[USITC SE-10-008]

Sunshine Act Meeting Notice; Rescheduling of Commission Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

ORIGINAL DATE AND TIME: April 14, 2010 at 11 a.m.

NEW DATE AND TIME: April 15, 2010 at 11 a.m.

PLACE: Room 101, 500 E Street, SW., Washington, DC 20436. Telephone: (202) 205-2000.

STATUS: Open to the public.

In accordance with 19 CFR 201.37, the Commission has determined to reschedule the above referenced Commission meeting. Earlier announcement of this rescheduling was not possible.

Issued: April 9, 2010.

By order of the Commission.

William R. Bishop,

Hearings and Meetings Coordinator.

[FR Doc. 2010-8587 Filed 4-9-10; 4:15 pm]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

[OMB Number 1140-0088]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day notice of information collection under review: Advanced Explosives Destruction Techniques (AEDT) Training Course follow-up evaluation form.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the *Federal Register* Volume 75, Number 27, page 6708 on February 10, 2010, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until May 13, 2010. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your

comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Advanced Explosives Destruction Techniques (AEDT) Training Course Follow-up Evaluation Form.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. Other: none. Abstract: The information collected on the survey will provide ATF with data on how the training participants have transferred the knowledge and skills learned to their jobs. The Kirkpatrick 4-Level Model is used to evaluate ATF training programs.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There will be an estimated 354 respondents, who will complete the survey within approximately 12 minutes.

(6) *An estimate of the total burden (in hours) associated with the collection:* There are an estimated 71 total burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Suite 1600, Patrick Henry

APPENDIX B

RECOMMENDED MODIFICATIONS TO THE HTS

Appendix B - Recommended Modifications to the HTS

64-1. The following new Additional U.S. Note 5 to Chapter 64 is inserted:

“5. For purposes of determining the constituent material of the outer sole pursuant to Note 4(b) of this Chapter, no account shall be taken of textile materials which do not possess the characteristics usually required for normal use as an outer sole, including durability and strength.”

64-2. Subheading 6402.99.60 is superseded by the following:

	[Other footwear with outer soles of rubber or plastic:] [Other footwear:] [Other:] [Other:] [Other:] [Other:]				
6402.99.61	“Valued not over \$3/pair: With an outer sole with applied textile material that does not possess the character- istics required for the durability of the outer sole in normal use	12.5%	Free (AU,BH,CA,CL, E*,IL,J*,JO,MA,MX, OM,P,PE,SG)	35%	
6402.99.69	Other	48%	Free (AU,BH,CA,CL, E*,IL,J*,JO,MA,MX, OM,P,PE) 9.6% (SG)	84%”	
15	<i>House slippers</i>				
30	<i>Other: For men</i>				
60	<i>For wom- en</i>				
90	<i>Other</i>				

Appendix B - Recommended Modifications to the HTS

64-3. Subheading 6402.99.70 is superseded by the following:

		[Other footwear with outer soles of rubber or plastics:]			
		[Other footwear:]			
		[Other:]			
		[Other:]			
		[Other:]			
		"Valued over \$3 but not over \$6.50/pair:			
6402.99.71		With an outer sole with applied textile material that does not possess the characteristics required for the durability of the outer sole in normal use	12.5%	Free (AU,BH,CA,CL, E*,IL,J*,JO,MA,MX, OM,P,PE,SG)	35%
	15	<i>House slippers</i>			
	30	<i>Other For men</i>			
	60	<i>For women</i>			
6402.99.79	90	<i>Other</i>	90¢/pr. + 37.5%	Free (AU,BH,CA,CL, E*,IL,J*,JO,MA,MX, OM,P,PE) 18¢/pr. + 7.5% (SG)	84%"
	15	<i>House slippers</i>			
	30	<i>Other: For men</i>			
	60	<i>For women</i>			
	90	<i>Other</i>			

Appendix B - Recommended Modifications to the HTS

64-4. Subheading 6404.11.40 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:]
 "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 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:

6404.11.41

With an outer sole with applied textile material that does not possess the characteristics required for the durability of the outer sole in normal use	7.5%	Free (AU,BH,CA,CL, D,E,IL,J+,JO,MA,MX, OM,P,PE,R) 11.2% (SG)	35%
<i>For men</i>			
<i>For women</i>			
<i>Other</i>			

30
60
90

Appendix B - Recommended Modifications to the HTS

	[Footwear with outer soles...:]			
	[Footwear with outer soles of rubber or plastics:]			
	[Sports footwear...:]			
	[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 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:]			
6404.11.49	Other	37.5%	Free (AU,BH,CA,CL, D,E,IL,J+,JO,MA,MX, OM,P,PE,R) 7.5% (SG)	66%”

Appendix B - Recommended Modifications to the HTS

64-5. Subheading 6404.11.50 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:			
6404.11.51		With an outer sole with applied textile material that does not possess the characteristics required for the durability of the outer sole in normal use	7.5%	Free (AU,BH,CA,CL, D,E,IL,J+,JO,MA,MX, OM,P,PE,R,SG)	35%
	30	<i>For men</i>			
	60	<i>For women</i>			
	90	<i>Other</i>			
6404.11.59		Other	48%	Free (AU,BH,CA,CL, D,E,IL,J+,JO,MA,MX, OM,P,PE,R) 9.6% (SG)	84%”

Appendix B - Recommended Modifications to the HTS

64-6. Subheading 6404.11.60 is superseded by the following:

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

6404.11.61

With an outer sole with applied textile material that does not possess the characteristics required for the durability of the outer sole in normal use 7.5%

Free (AU,BH,CA,CL, D,E,IL,J+,JO,MA,MX, OM,P,PE,R,SG) 35%

30
60

For men
For women

Appendix B - Recommended Modifications to the HTS

90

Other

Appendix B - Recommended Modifications to the HTS

[Footwear with outer soles...]
 [Footwear with outer soles of rubber or plastics:]
 [Sports footwear...]
 [Other:]

[Valued over \$3 but not over \$6.50/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 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:]

6404.11.69	Other	37.5%	Free (AU,BH,CA,CL, D,E,IL,J+,JO,MA,MX, OM,P,PE,R) 11.2% (SG)	66%”
30	<i>For men</i>			
60	<i>For women</i>			
90	<i>Other</i>			

Appendix B - Recommended Modifications to the HTS

64-8. Subheading 6404.11.80 is superseded by the following:

	[Footwear with outer soles...] [Footwear with outer soles of rubber or plastics:] [Sports footwear...] [Other:]				
"6404.11.81	[Valued over \$6.50 but not over \$12/pair:] With an outer sole with applied textile material that does not possess the characteristics required for the durability of the outer sole in normal use	7.5%	Free (AU,BH,CA,CL, D,E,IL,J+,JO,MA,MX, OM,P,PE,R,SG)	35%	
	30 60 90	For men For women Other			
6404.11.89	Other	90¢/pr. + 20%	Free (AU,BH,CA,CL, D,E,IL,J+,JO,MA,MX, OM,P,PE,R) 18¢/pair + 4% (SG)	\$1.56/pr. + 66%"	
	30 60 90	For men For women Other			

Appendix B - Recommended Modifications to the HTS

64-9. Subheading 6404.19.35 is superseded by the following:

		[Footwear with outer soles...]			
		[Footwear with outer soles of rubber or plastics:]			
		[Other:]			
		[Footwear with open toes or heels...]			
		"Other:			
6404.19.36		With an outer sole with applied textile material that does not possess the characteristics required for the durability of the outer sole in normal use and with uppers of vegetable fibers	7.5%	Free (AU,BH,CA,CL, D,E,IL,J+,JO,MA,MX, OM,P,PE,R,SG)	35%
	30	<i>For men</i>			
	60	<i>For women</i>			
	90	<i>Other</i>			
6404.19.37		With an outer sole with applied textile material that does not possess the characteristics required for the durability of the outer sole in normal use and with uppers of materials other than vegetable fibers	12.5%	Free (AU,BH,CA,CL, D,E,IL,J+,JO,MA,MX, OM,P,PE,R,SG)	35%
	30	<i>For men</i>			
	60	<i>For women</i>			
	90	<i>Other</i>			

Appendix B - Recommended Modifications to the HTS

	[Footwear with outer soles...] [Footwear with outer soles of rubber or plastics:] [Other:] [Footwear with open toes or heels...] [Other:]			
6404.19.39	Other	37.5%	Free (AU,BH,CA,CL, D,E,IL,J+,JO,MA,MX, OM,P,PE,R) 7.5% (SG)	66%”
15	<i>House slippers</i>			
	<i>Other:</i>			
40	<i>For men</i>			
60	<i>For women</i>			
80	<i>Other</i>			

Appendix B - Recommended Modifications to the HTS

64-10. 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 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
 outer
 sole with
 applied
 textile
 material that
 does not
 possess the
 character-
 istics
 required for
 the durability
 of the outer
 sole in
 normal
 use 12.5%

Free (AU,BH,CA,CL,
 D,E,IL,J+,JO,MA,MX,
 OM,P,PE,R,SG) 35%

30
 60

For men
For wom-
en

Appendix B - Recommended Modifications to the HTS

90

Other

Appendix B - Recommended Modifications to the HTS

	[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 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:]			
6404.19.49	Other	37.5%	Free (AU,BH,CA,CL, D,E,IL,J+,JO,MA,MX, OM,P,PE,R) 7.5% (SG)	66%”
	30			
	60			
				<i>For men</i>
				<i>For women</i>
	90			<i>Other</i>

Appendix B - Recommended Modifications to the HTS

64-11. 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 outer sole with applied textile material that does not possess the characteristics required for the durability of the outer sole in normal use	12.5%	Free (AU,BH,CA,CL, D,E,IL,J+,JO,MA,MX, OM,P,PE,R,SG)	35%
	15	<i>House slippers</i>			
		<i>Other:</i>			
	30	<i>For men</i>			
		<i>For women</i>			
	60	<i>For women</i>			
		<i>Other</i>			
6404.19.59	90	Other	48%	Free (AU,BH,CA,CL, D,E,IL,J+,JO,MA,MX, OM,P,PE,R) 9.6% (SG)	84%"
	15	<i>House slippers</i>			
		<i>Other:</i>			
	40	<i>For men</i>			
		<i>For women</i>			
	60	<i>For women</i>			
		<i>Other</i>			
	80	<i>Other</i>			

Appendix B - Recommended Modifications to the HTS

64-12. Subheading 6404.19.60 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:]
 "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 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:

6404.19.61

With an
 outer
 sole with
 applied
 textile
 material that
 does not
 possess the
 character-
 istics
 required for
 the durability
 of the outer
 sole in
 normal
 use

12.5%

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

35%

30
 60

For men
For wom-
en

Appendix B - Recommended Modifications to the HTS

90

Other

Appendix B - Recommended Modifications to the HTS

	<p>[Footwear with outer soles...] [Footwear with outer soles of rubber or plastics:] [Other:] [Other:] [Valued over \$3 but not over \$6.50/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 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:]</p>			
6404.19.69	Other	37.5%	Free (AU,BH,CA,CL, D,E,IL,J+,JO,MA,MX, OM,P,PE,R) 7.5% (SG)	66%”
30	<i>For men</i>			
60	<i>For women</i>			
90	<i>Other</i>			

Appendix B - Recommended Modifications to the HTS

64-13. 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 outer sole with applied textile material that does not possess the characteristics required for the durability of the outer sole in normal use	12.5%	Free (AU,BH,CA,CL, D,E,IL,J+,JO,MA,MX, OM,P,PE,R,SG)	35%
	15	<i>House slippers</i>			
	30	<i>Other: For men</i>			
	60	<i>For women</i>			
	90	<i>Other</i>			
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)	\$1.56/pr. + 66%"
	15	<i>House slippers</i>			
	30	<i>Other: For men</i>			
	60	<i>For women</i>			
	90	<i>Other</i>			

Appendix B - Recommended Modifications to the HTS

64-14. Subheading 6404.19.80 is superseded by the following:

- [Footwear with outer soles...:]
- [Footwear with outer soles of rubber or plastics:]
- [Other:]
- [Other:]

6404.19.81	"Valued over \$6.50 but not over \$12/pair: With an outer sole with applied textile material that does not possess the characteristics required for the durability of the outer sole in normal use	12.5%	Free (AU,BH,CA,CL, D,E,IL,J+,JO,MA,MX, OM,P,PE,R,SG)	
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%"

APPENDIX C

CORRELATION TABLE, SORTED BY PROPOSED HTS SUBHEADING

Appendix C

**PROPOSED AMENDMENTS TO THE HARMONIZED TARIFF SCHEDULE
OF THE UNITED STATES (HTS)
PURSUANT TO SECTION 1205 OF THE OMNIBUS TRADE AND
COMPETITIVENESS ACT OF 1988**

Correlation Table Sorted by Proposed HTS No.

Proposed HTS No.	Current HTS No.
6402.99.6100	6405.90.9000
6402.99.6915	6402.99.6015
6402.99.6930	6402.99.6030
6402.99.6960	6402.99.6060
6402.99.6990	6402.99.6090
6402.99.7115	6405.20.9015
6402.99.7130	6405.20.9030
6402.99.7160	6405.20.9060
6402.99.7190	6405.20.9090
6402.99.7915	6402.99.7015
6402.99.7930	6402.99.7030
6402.99.7960	6402.99.7060
6402.99.7990	6402.99.7090
6404.11.4130	6405.20.3030
6404.11.4160	6405.20.3060
6404.11.4190	6405.20.3090
6404.11.4900	6404.11.4000
6404.11.5130	6405.20.3030
6404.11.5160	6405.20.3060
6404.11.5190	6405.20.3090

Appendix C - Correlation Sorted by Proposed HTS No.

6404.11.5900	6404.11.5000
6404.11.6130	6405.20.3030
6404.11.6160	6405.20.3060
6404.11.6190	6405.20.3090
6404.11.6930	6404.11.6030
6404.11.6960	6404.11.6060
6404.11.6990	6404.11.6090
6404.11.7130	6405.20.3030
6404.11.7160	6405.20.3060
6404.11.7190	6405.20.3090
6404.11.7930	6404.11.7030
6404.11.7960	6404.11.7060
6404.11.7990	6404.11.7090
6404.11.8130	6405.20.3030
6404.11.8160	6405.20.3060
6404.11.8190	6405.20.3090
6404.11.8930	6404.11.8030
6404.11.8960	6404.11.8060
6404.11.8990	6404.11.8090
6404.19.3630	6405.20.3030
6404.19.3660	6405.20.3060
6404.19.3690	6405.20.3090
6404.19.3730	6405.20.9030
6404.19.3760	6405.20.9060
6404.19.3790	6405.20.9090
6404.19.3915	6404.19.3515
6404.19.3940	6404.19.3540

Appendix C - Correlation Sorted by Proposed HTS No.

6404.19.3960	6404.19.3560
6404.19.3980	6404.19.3580
6404.19.4130	6405.20.9030
6404.19.4160	6405.20.9060
6404.19.4190	6405.20.9090
6404.19.4930	6404.19.4030
6404.19.4960	6404.19.4060
6404.19.4990	6404.19.4090
6404.19.5115	6405.20.9015
6404.19.5130	6405.20.9030
6404.19.5160	6405.20.9060
6404.19.5190	6405.20.9090
6404.19.5915	6404.19.5015
6404.19.5940	6404.19.5040
6404.19.5960	6404.19.5060
6404.19.5980	6404.19.5080
6404.19.6130	6405.20.9030
6404.19.6160	6405.20.9060
6404.19.6190	6405.20.9090
6404.19.6930	6404.19.6030
6404.19.6960	6404.19.6060
6404.19.6990	6404.19.6090
6404.19.7115	6405.20.9015
6404.19.7130	6405.20.9030
6404.19.7160	6405.20.9060
6404.19.7190	6405.20.9090
6404.19.7915	6404.19.7015

Appendix C - Correlation Sorted by Proposed HTS No.

6404.19.7930	6404.19.7030
6404.19.7960	6404.19.7060
6404.19.7990	6404.19.7090
6404.19.8100	6405.20.9000
6404.19.8900	6404.19.8000

APPENDIX D

CORRELATION TABLE, SORTED BY CURRENT HTS SUBHEADING

Appendix D

**PROPOSED AMENDMENTS TO THE HARMONIZED TARIFF SCHEDULE
OF THE UNITED STATES (HTS)
PURSUANT TO SECTION 1205 OF THE OMNIBUS TRADE AND COMPETITIVENESS ACT
OF 1988**

Correlation Table Sorted by Current HTS No.

Current HTS No.	Proposed HTS No.
6402.99.6015	6402.99.6915
6402.99.6030	6402.99.6930
6402.99.6060	6402.99.6960
6402.99.6090	6402.99.6990
6402.99.7015	6402.99.7915
6402.99.7030	6402.99.7930
6402.99.7060	6402.99.7960
6402.99.7090	6402.99.7990
6404.11.4000	6404.11.4900
6404.11.5000	6404.11.5900
6404.11.6030	6404.11.6930
6404.11.6060	6404.11.6960
6404.11.6090	6404.11.6990
6404.11.7030	6404.11.7930
6404.11.7060	6404.11.7960
6404.11.7090	6404.11.7990
6404.11.8030	6404.11.8930
6404.11.8060	6404.11.8960
6404.11.8090	6404.11.8990
6404.19.3515	6404.19.3915

Appendix D - Correlation Sorted by Current HTS No.

6404.19.3540	6404.19.3940
6404.19.3560	6404.19.3960
6404.19.3580	6404.19.3980
6404.19.4030	6404.19.4930
6404.19.4060	6404.19.4960
6404.19.4090	6404.19.4990
6404.19.5015	6404.19.5915
6404.19.5040	6404.19.5940
6404.19.5060	6404.19.5960
6404.19.5080	6404.19.5980
6404.19.6030	6404.19.6930
6404.19.6060	6404.19.6960
6404.19.6090	6404.19.6990
6404.19.7015	6404.19.7915
6404.19.7030	6404.19.7930
6404.19.7060	6404.19.7960
6404.19.7090	6404.19.7990
6404.19.8000	6404.19.8900
6405.20.3030	6404.11.8130
6405.20.3030	6404.19.3630
6405.20.3030	6404.11.4130
6405.20.3030	6404.11.7130
6405.20.3030	6404.11.5130
6405.20.3030	6404.11.6130
6405.20.3060	6404.11.6160
6405.20.3060	6404.11.4160

Appendix D - Correlation Sorted by Current HTS No.

6405.20.3060	6404.11.8160
6405.20.3060	6404.11.7160
6405.20.3060	6404.19.3660
6405.20.3060	6404.11.5160
6405.20.3090	6404.11.6190
6405.20.3090	6404.11.8190
6405.20.3090	6404.11.4190
6405.20.3090	6404.11.7190
6405.20.3090	6404.11.5190
6405.20.3090	6404.19.3690
6405.20.9000	6404.19.8100
6405.20.9015	6404.19.7115
6405.20.9015	6404.19.5115
6405.20.9015	6402.99.7115
6405.20.9030	6404.19.7130
6405.20.9030	6402.99.7130
6405.20.9030	6404.19.3730
6405.20.9030	6404.19.6130
6405.20.9030	6404.19.4130
6405.20.9030	6404.19.5130
6405.20.9060	6404.19.6160
6405.20.9060	6404.19.5160
6405.20.9060	6404.19.3760
6405.20.9060	6404.19.4160
6405.20.9060	6402.99.7160
6405.20.9060	6404.19.7160

Appendix D - Correlation Sorted by Current HTS No.

6405.20.9090	6402.99.7190
6405.20.9090	6404.19.4190
6405.20.9090	6404.19.5190
6405.20.9090	6404.19.3790
6405.20.9090	6404.19.6190
6405.20.9090	6404.19.7190
6405.90.9000	6402.99.6100