

Panel should contact the TWWIIA Panel staff. Records are being kept of all Panel proceedings and will be available for public inspection by appointment at the Panel office. Anyone requiring information regarding the Panel should contact the Panel staff by:

- Mail addressed to Social Security Administration, Ticket to Work and Work Incentives Advisory Panel Staff, 400 Virginia Avenue, SW., Suite 700, Washington, DC, 20024.

- Telephone contact with Kristen Breland at (202) 358-6423.

- Fax at (202) 358-6440.

- E-mail to TWWIIAPanel@ssa.gov.

Dated: April 8, 2002.

Deborah M. Morrison,

Designated Federal Officer.

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Docket No. 942; ATF O 1130.27]

Delegation of the Director's Authorities in 27 CFR Part 252, Exportation of Liquors

To: All Bureau Supervisors

1. *Purpose.* This order delegates certain authorities of the Director to subordinate ATF officials and identifies the subordinate ATF officials with whom persons may file documents which are not ATF forms.

2. *Background.* Under current regulations, the Director has authority to take final action on matters relating to procedure and administration. The Bureau has determined that certain of these authorities should, in the interest of efficiency, be delegated to a lower organizational level.

3. *Cancellation.* ATF O 1100.84A, Delegation Order—Delegation to the Associate Director (Compliance

Operations) of Authorities of the Director in 27 CFR part 252, Exportation of Liquors, dated 3/23/84, is canceled.

4. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 120-01 (formerly 221), dated June 6, 1972, and by 26 CFR 301.7701-9, this ATF order delegates certain authorities to take final action prescribed in 27 CFR part 252 to subordinate officials. Also, this ATF order identifies the subordinate officials with whom applications, notices, and reports required by 27 CFR part 252, which are not ATF forms, are filed. The attached table identifies the regulatory sections, authorities and documents to be filed, and the authorized ATF officials. The authorities in the table may not be redelegated.

5. *Questions.* If you have questions about this order, contact the Regulations Division (202-927-8210).

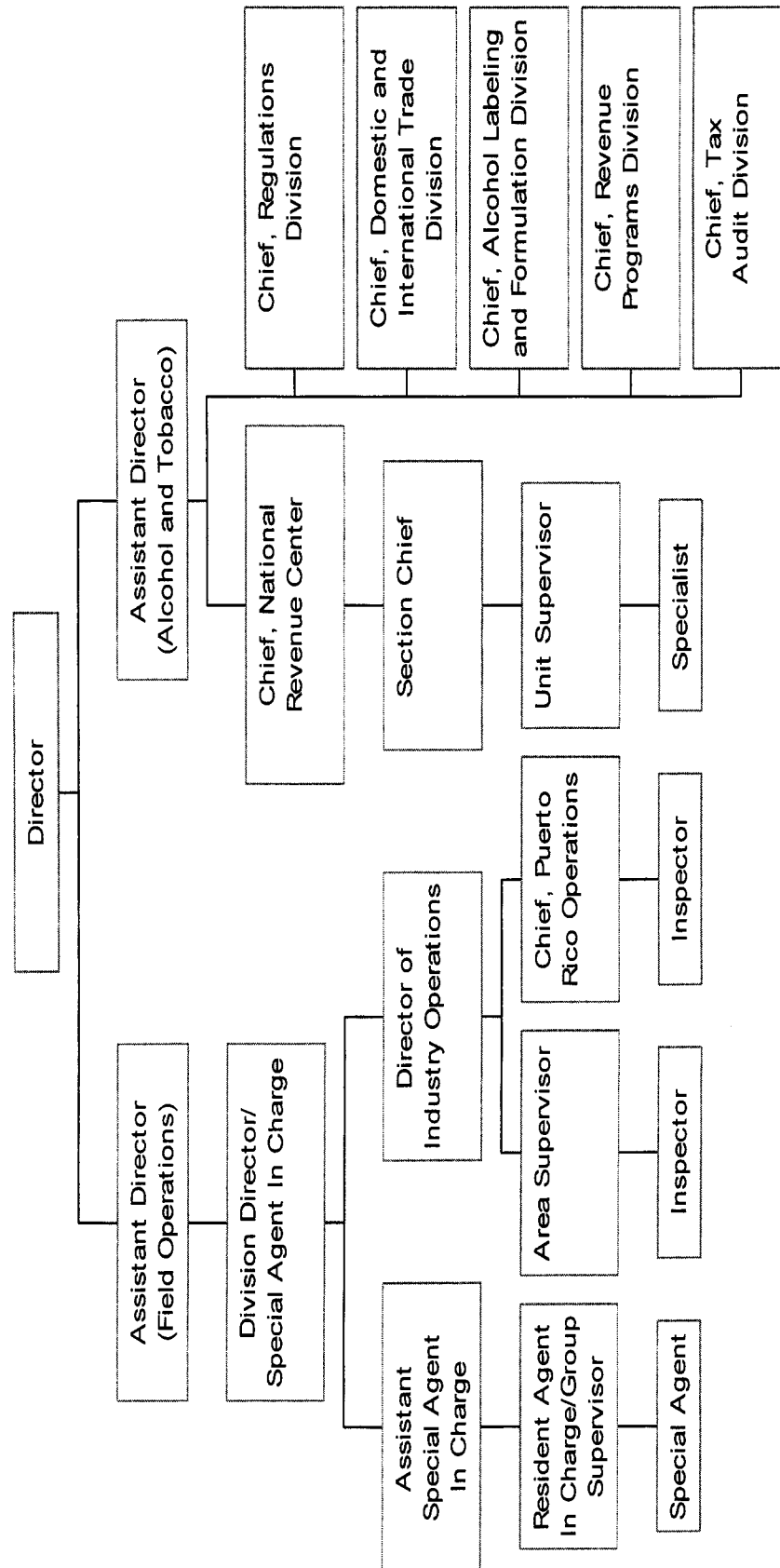
Bradley A. Buckles,
Director.

Regulatory section	Officer(s) authorized to act or receive document
§ 252.2(a)	Division Chief, Alcohol and Tobacco.
§ 252.20(a)	Chief, Regulations Division. If alternate method or procedure does not affect an ATF approved formula, or import or export recordkeeping, Chief, National Revenue Center (NRC), may act upon the same method or procedure that has been approved by the Chief, Regulations Division.
§ 252.20(b)	Director of Industry Operations.
§ 252.20(c)	Chief, Regulations Division, to withdraw alternate method or procedure. Director of Industry Operations to withdraw emergency variation.
§ 252.22	Unit Supervisor, NRC to whom report is made. Section Chief, NRC, to make demand of tax. Unit Supervisor to act on claim of \$10,000 or less. Section Chief to act on claim of more than \$10,000 but not more than \$100,000 of tax. Chief, NRC, to act on claim of more than \$100,000.
§ 252.23	Chief, Regulations Division.
§ 252.35	Area Supervisor.
§ 252.36	Area Supervisor with whom application is filed. Area Supervisor, to require additional evidence. Unit Supervisor, NRC, to whom district director of customs sends application.
§ 252.37	Area Supervisor.
§ 252.38	Area Supervisor.
§ 252.43	Chief, Regulations Division.
§ 252.45	Inspector, Specialist or Special Agent.
§ 252.52a	Section Chief, NRC.
§ 252.55	Section Chief, NRC.
§ 252.56	Section Chief, NRC.
§ 252.57	Section Chief, NRC.
§ 252.58(c)	Unit Supervisor, NRC.
§ 252.62(b)	Unit Supervisor, NRC.
§ 252.67	Section Chief, NRC, or Area Supervisor.
§ 252.70	Section Chief, NRC.
§ 252.71	Section Chief, NRC.
§ 252.72	Unit Supervisor, NRC.
§ 252.74	Section Chief, NRC.
§ 252.96	Specialist, NRC.
§ 252.103(b)	Chief, NRC, upon recommendation of Director of Industry Operations.
§ 252.104	Section Chief, NRC.
§ 252.116	Area Supervisor.
§ 252.117	Unit Supervisor, NRC.
§ 252.122(c) and (d)	Specialist, NRC.
§ 252.123(b)	Chief, NRC, upon recommendation of Director of Industry Operations.
§ 252.125	Unit Supervisor, NRC.
§ 252.131	Area Supervisor.
§ 252.133	Unit Supervisor, NRC.
§ 252.146	Unit Supervisor, NRC.
§ 252.147	Unit Supervisor, NRC.
§ 252.161	Area Supervisor.
§ 252.162	Unit Supervisor, NRC.

Regulatory section	Officer(s) authorized to act or receive document
§ 252.171	Unit Supervisor, NRC.
§ 252.195b(b)	Unit Supervisor, NRC or Area Supervisor.
§ 252.195b(c)	Unit Supervisor, NRC.
§ 252.198	Area Supervisor.
§ 252.199	Unit Supervisor, NRC.
§ 252.211	Unit Supervisor, NRC.
§ 252.215	Unit Supervisor or Area Supervisor.
§ 252.218	Unit Supervisor, NRC.
§ 252.220	Area Supervisor.
§ 252.220a	Unit Supervisor, NRC.
§ 252.221	Unit Supervisor, NRC.
§ 252.225	Unit Supervisor, NRC.
§ 252.226	Unit Supervisor, NRC.
§ 252.227	Unit Supervisor, NRC.
§ 252.247	Unit Supervisor, NRC.
§ 252.250	Unit Supervisor, NRC.
§ 252.262	Unit Supervisor, NRC.
§ 252.265	Director of Industry Operations.
§ 252.266	Director of Industry Operations.
§ 252.268	Unit Supervisor, NRC.
§ 252.269(c)	Unit Supervisor, NRC.
§ 252.275	Unit Supervisor, NRC.
§ 252.282	Unit Supervisor, NRC.
§ 252.285	Unit Supervisor, NRC.
§ 252.290	Unit Supervisor, NRC.
§ 252.301	Unit Supervisor to remit tax of \$10,000 or less. Section Chief to remit tax of more than \$10,000 but not more than \$100,000 of tax. Chief, NRC, to remit tax of more than \$100,000.
§ 252.302	Unit Supervisor to allow tax of \$10,000 or less. Section Chief to allow tax of more than \$10,000 but not more than \$100,000 of tax. Chief, NRC, to allow tax of more than \$100,000.
§ 252.303	Unit Supervisor, NRC.
§ 252.304	Unit Supervisor for claim of \$10,000 or less. Section Chief for claim of more than \$10,000 but not more than \$100,000 of tax. Chief, NRC, for claim of more than \$100,000.
§ 252.310	Unit Supervisor for loss of \$10,000 or less. Section Chief for loss of more than \$10,000 but not more than \$100,000 of tax. Chief, NRC, for loss of more than \$100,000.
§ 252.315	Unit Supervisor for loss of \$10,000 or less. Section Chief for loss of more than \$10,000 but not more than \$100,000 of tax. Chief, NRC, for loss of more than \$100,000.
§ 252.316	Unit Supervisor for loss of \$10,000 or less. Section Chief for loss of more than \$10,000 but not more than \$100,000 of tax. Chief, NRC, for loss of more than \$100,000. Unit Supervisor, NRC to require claim and grant extensions.
§ 252.317	Unit Supervisor, NRC, with whom claim is filed. Unit Supervisor, NRC, or Area Supervisor to request additional evidence.
§ 252.320	Unit Supervisor, NRC, to receive. Unit Supervisor for loss of \$10,000 or less. Section Chief for loss of more than \$10,000 but not more than \$100,000 of tax. Chief, NRC, for loss of more than \$100,000.
§ 252.321	Section Chief, NRC.
§ 252.331	Unit Supervisor for claim of \$10,000 or less. Section Chief for claim of more than \$10,000 but not more than \$100,000 of tax. Chief, NRC, for claim of more than \$100,000.
§ 252.332	Unit Supervisor, NRC.
§ 252.333	Unit Supervisor for claim of \$10,000 or less. Section Chief for claim of more than \$10,000 but not more than \$100,000 of tax. Chief, NRC, for claim of more than \$100,000.
§ 252.334	Unit Supervisor for claim of \$10,000 or less. Section Chief for claim of more than \$10,000 but not more than \$100,000 of tax. Chief, NRC, for claim of more than \$100,000.
§ 252.335	Unit Supervisor for claim of \$10,000 or less. Section Chief for claim of more than \$10,000 but not more than \$100,000 of tax. Chief, NRC, for claim of more than \$100,000.

ATF O 1130.27

ATF Organization



This is not a complete organizational chart of ATF.

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DEPARTMENT OF THE TREASURY

Customs Service

Standards for Tariff Classification of Unisex Footwear

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: General notice; solicitation of comments.

SUMMARY: This document invites the public to submit comments to Customs regarding what standards Customs should use in determining what constitutes "unisex" footwear for tariff classification purposes. Comments are invited on the appropriateness of specific standards suggested by a footwear trade association and on the extent to which any standards that Customs has followed in the past should be retained, and suggestions for appropriate alternative standards are also invited. After a review of the submitted comments, Customs will attempt to formulate specific proposed standards for further public comment prior to adoption of a final interpretive rule in this area.

DATES: Comments must be submitted by June 14, 2002.

ADDRESSES: Written comments may be addressed to, and inspected at, the Regulations Branch, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., 3rd Floor, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Greg Deutsch, Textile Branch, Office of Regulations and Rulings (202-927-2380).

SUPPLEMENTARY INFORMATION:

Background

Chapter 64 of the Harmonized Tariff Schedule of the United States (HTSUS) covers articles of footwear and footwear uppers and other parts of footwear. Within Chapter 64, heading 6403 covers "[f]ootwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather." Under heading 6403, subheading 6403.99.60, specifically covers "other" footwear "[f]or men, youths and boys" and the two following subheadings (6403.99.75 and 6403.99.90) cover "other" footwear "[f]or other persons." Additional U.S. Note 1(b) to Chapter 64, HTSUS, provides as follows:

(a) The term "*footwear for men, youths and boys*" covers footwear of American youths' size 11-1/2 and larger

for males, and does not include footwear commonly worn by both sexes.

Nearly all types of footwear may be, and in fact are, worn by both sexes. Moreover, many types of shoes in male sizes feature no physical characteristics which distinguish the footwear as being exclusively for males. While Customs is often required to determine whether footwear in sizes for males is "commonly worn by both sexes" within the meaning of Additional U.S. Note 1(b) to Chapter 64, HTSUS, and thus is excluded from classification as "for men, youths and boys" under subheading 6403.99.60, HTSUS (and consequently must be classified as "for other persons" under subheading 6403.99.75 or subheading 6403.99.90, HTSUS), the standards for making that determination have been developed and applied by Customs on an *ad hoc*, case-by-case, basis. This approach to the "unisex" footwear issue, while effective in individual cases, has provided only limited guidance to the importing community and to Customs officers as regards other prospective or current import transactions that present different factual patterns involving that issue.

In a letter dated September 17, 1999, a request was made on behalf of the Footwear Distributors and Retailers of America (FDRA) that Customs Headquarters issue a policy memorandum or other decision to clarify the unisex footwear issue. The letter requested that Customs (1) set forth criteria for determining whether footwear claimed to be "for men, youths and boys" is "commonly worn by both sexes" and therefore should be classified as footwear "for other persons" and (2) ensure the uniform interpretation and application of those criteria by Customs field offices. To this end, the letter requested the adoption of a unisex footwear policy consisting of five specified elements.

In light of the request on behalf of the FDRA, and based on a review of the various criteria Customs has applied in this area as reflected in prior rulings and other written decisions, Customs believes that the complexity of this matter warrants preliminary public comment procedures to assist Customs in developing, for further public comment, specific proposals for standards to be applied in resolving issues regarding the classification of unisex footwear. To assist the public in preparing comments on this matter, the specific FDRA proposals and the standards Customs currently applies in this area are described below.

The FDRA Proposed Criteria

The elements of the unisex footwear policy proposed by the FDRA consisted of the following:

1. Footwear in sizes for men, youths and boys should not be considered "commonly worn by both sexes," that is, "unisex," if that particular type of footwear (for example, tennis shoes) is available in women's styles;
2. Determinations as to whether a type of shoe is "commonly worn by both sexes" should be based upon use by women or girls of at least 25 percent, a ratio of at least one female user to every four male users;
3. Footwear for males should be presumed not to be unisex if an importer markets a "comparable" number of styles for both sexes, and a ratio of five to one (male to female styles) should be considered "comparable;"
4. In determining whether women's styles are available, the inquiry should focus on the availability of women's styles in the market as a whole; and
5. The fact that a shoe is not marketed to women should be considered evidence that it is not "commonly worn by both sexes."

The Current Customs Standards

In determining whether footwear is "commonly worn by both sexes," Customs generally considers certain types or categories of footwear to be at least susceptible to unisex treatment (that is, to be classifiable as footwear "for other persons" despite claims that the footwear is designed and intended solely "for men, youths and boys"). These types of footwear include hikers, sandals, work boots, cowboy boots, combat boots, motorcycle boots, "athleisure" shoes, boat shoes, and various types within the class described as athletic footwear (for example, tennis shoes, training shoes).

Customs generally considers that a type of footwear is "commonly worn by both sexes" if the number of styles claimed to be for males in an importer's line, when compared to the number of styles in the line for females, renders it likely that females will purchase and wear at least 5 percent of the styles claimed to be for males (in other words, one female user for every twenty male users). Since it is unlikely that a distributor or retailer would discourage the sale to females of footwear claimed to be for males, Customs would consider that an importer of basketball shoes claimed to be for use only by males, who imports no basketball shoes claimed to be for use only by females, is in fact an importer of basketball shoes