

# U.S. Customs and Border Protection



## 19 CFR PART 177

### **REVOCATION OF SIX RULING LETTERS, MODIFICATION OF ONE RULING LETTER, AND REVOCATION OF TREATMENT RELATING TO THE TARIFF CLASSIFICATION OF RIGID PLASTIC COOLERS**

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Notice of revocation of six ruling letters, modification of one ruling letter, and proposed revocation of treatment relating to the tariff classification of rigid plastic coolers.

**SUMMARY:** Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. § 1625(c)), as amended by section 623 of title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is revoking three ruling letters concerning tariff classification of rigid plastic coolers under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin*, Vol. 53, No. 45, on December 11, 2019. One comment was received in response to that notice.

**EFFECTIVE DATE:** This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after August 7, 2020.

**FOR FURTHER INFORMATION CONTACT:** Marina Mekheil, Chemicals, Petroleum, Metals and Miscellaneous Articles Branch, Regulations and Rulings, Office of Trade, at (202) 325–0974.

#### **SUPPLEMENTARY INFORMATION:**

##### **BACKGROUND**

Current customs law includes two key concepts: informed compliance and shared responsibility. Accordingly, the law imposes an obli-

gation on CBP to provide the public with information concerning the trade community's responsibilities and rights under the customs and related laws. In addition, both the public and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to 19 U.S.C. § 1625(c)(1), a notice was published in the *Customs Bulletin*, Vol. 53, No. 45, on December 11, 2019, proposing to revoke six ruling letters and modify one ruling letter. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should have advised CBP during the comment period.

Similarly, pursuant to 19 U.S.C. § 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should have advised CBP during the comment period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of this notice.

In NY N285560, NY N259674, NY N262814, NY N263691, and NY N276904, CBP classified rigid plastic coolers in heading 9403, HTSUS, specifically in subheading 9403.70.40, HTSUS, which provides for "Other furniture and parts thereof: Furniture of plastics: Of reinforced or laminated plastics," and 9403.70.80, HTSUS, which provides for "Other furniture and parts thereof: Furniture of plastics: Other." In HQ 085323, CBP classified a rigid plastic cooler in heading 3923, HTSUS, specifically in subheading 3923.10.90, HTSUS, which provides for "Articles for the conveyance or packing of goods, of plastics; stoppers, lids, caps and other closures, of plastic: Boxes, cases, crates, and similar articles: Other." In NY N024773, CBP classified a rigid plastic cooler in heading 3924, HTSUS, specifically in subheading 3924.10.40, HTSUS, which provides for "Tableware, kitchenware ...of plastics: Tableware and kitchenware: Other."

CBP has reviewed NY N285560, HQ 085323, NY N024773, NY N259674, NY N262814, NY N263691, and NY N276904 and has determined the ruling letters to be in error. It is now CBP's position that rigid plastic coolers are properly classified, in heading 4202,

HTSUS, specifically in subheading 4202.12.21, HTSUS, which provides for “Trunks, suitcases, vanity cases, attaché cases, briefcases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers: With outer surface of plastics or of textile materials: With outer surface of plastics: Trunks, suitcases, vanity cases and similar containers: Structured, rigid on all sides.”

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is modifying NY N285560, and revoking HQ 085323, NY N024773, NY N259674, NY N262814, NY N263691, and NY N276904, and revoking or modifying any other ruling not specifically identified to reflect the analysis contained in the proposed HQ H305292, set forth as Attachment A to this notice. Additionally, pursuant to 19 U.S.C. § 1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions.

In accordance with 19 U.S.C. § 1625(c), this ruling will become effective 60 days after publication in the *Customs Bulletin*.

Dated: June 18, 2020

CRAIG T. CLARK,  
*Director*  
*Commercial and Trade Facilitation Division*

HQ H305292

June 18, 2020

OT:RR:CTF:CPMM

H305292MMM

CATEGORY: Classification

TARIFF NO.: 4202.12.2120

SAMANTHA JEAN GAGLIO  
CUSTOMS COMPLIANCE MANAGER  
LIFETIME PRODUCTS  
FREEPORT CENTER, BUILDING D-12  
CLEARFIELD, UT 84016

RE: Revocation of NY N285560, HQ 085323, NY N024773, NY N259674, NY N262814, NY N263691, and NY N276904; Classification of rigid plastic coolers

DEAR Ms. GAGLIO,

This is in reference to the New York Ruling Letter (NY) N285560, issued to you by U.S. Customs and Border Protection (CBP) on May 2, 2017, concerning classification of a cooler and two components of the cooler under the Harmonized Tariff Schedule of the United States (HTSUS). We have reviewed your ruling, and determined that it is incorrect, and for the reasons set forth below, are modifying your ruling in regard to the cooler.

We have also reviewed the following rulings: HQ 085323, dated September 14, 1984, NY N024773, dated April 11, 2008, NY N259674, dated December 12, 2014, NY N262814, dated April 9, 2015, NY N263691, dated April 29, 2015, and NY N276904, dated July 22, 2016, and determined that they are also incorrect, and for the reasons set forth below, we are revoking those rulings.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), a notice of the proposed action was published in the Customs Bulletin, Volume 53, No. 45, on December 11, 2019. One comment, which will be addressed below, was received in response to this notice.

#### **FACTS:**

In NY N259674, N262814, N263691, N276904, and N285560, CBP ruled on the classification of hard-sided coolers made of molded plastic and insulated by polyurethane foam. The use of the subject merchandise is to temporarily hold beverages and foods together with ice to keep them cold.

CBP classified the coolers in heading 9403, citing to EN 94.03. The coolers subject to the above rulings were considered ice-boxes and ice-chests because they contained no active refrigerating element and were insulated by polyurethane foam.

In HQ 085323, CBP concluded that the classification of a molded plastic insulated cooler was heading 3923 of the HTSUS, as an article for the conveyance or packing of goods, of plastics. The cooler contained a compartment in the front which contained an opener, a knife, two spoons, and two forks. CBP found that the essential character of the cooler and utensils was the cooler.

Additionally, NY N024773 concluded that a similar plastic cooler was classified under heading 3924, as tableware, kitchenware...of plastics.

**ISSUE:**

Whether the subject rigid plastic coolers are classified in heading 3923, as articles for the conveyance or packing of goods, in heading 3924, as tableware, kitchenware, [or] other household articles of plastics, in heading 4202 as trunks, suitcases...and similar containers, or in heading 9403, as other furniture.

**LAW AND ANALYSIS:**

Merchandise imported into the United States is classified under the HTSUS. Tariff classification is governed by the principles set forth in the General Rules of Interpretation (GRIs) and, in the absence of special language or context which requires otherwise, by the Additional U.S. Rules of Interpretation. The GRIs and the Additional U.S. Rules of Interpretation are part of the HTSUS and are to be considered statutory provisions of law for all purposes.

GRI 1 requires that classification be determined first according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the heading and legal notes do not otherwise require, the remaining GRIs 2 through 6 may then be applied in order. GRI 2(a) provides, in relevant part, that “[a]ny reference in a heading to an article shall be taken to include a reference to that article incomplete or unfinished, provided that, as entered, the incomplete or unfinished articles has the essential character of the complete or finished article.”

The Harmonized Commodity Description and Coding System Explanatory Notes (“ENs”) constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of these headings. See T.D. 89–80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

The 2020 HTSUS provisions under consideration are as follows:

**3923:** Articles for the conveyance or packing of goods, of plastics; stoppers, lids, caps and other closures, of plastics

**3924:** Tableware, kitchenware, other household articles and hygienic or toilet articles, of plastics

**4202:** Trunks, suitcases, vanity cases, attaché cases, briefcases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers; traveling bags, insulated food or beverage bags, toiletry bags, knapsacks and backpacks, handbags, shopping bags, wallets, purses, map cases, cigarette cases, tobacco pouches, tool bags, sports bags, bottle cases, jewelry boxes, powder cases, cutlery cases and similar containers, of leather or of composition leather, of sheeting of plastics, of textile materials, of vulcanized fiber or of paperboard, or wholly or mainly covered with such materials or with paper

**9403:** Other furniture and parts thereof:

Chapter 39, note 2(m) excludes “...trunks, suitcases, handbags or other containers of heading 42.02.

The General Explanatory Notes to Chapter 94 states that “furniture” means:

Any “movable” articles (not included under other more specific headings of the Nomenclature), which have the essential characteristic that they are constructed for placing on the floor or ground, and which are used, mainly with a utilitarian purpose, to equip private dwellings, hotels, theatres, cinemas, offices, churches, schools, cafés, restaurants, laboratories, hospitals, dentists’ surgeries, etc., or ships, aircraft, railway coaches, motor vehicles, caravan-trailers or similar means of transport. (It should be noted that, for the purposes of this Chapter, articles are considered to be “movable” furniture even if they are designed for bolting, etc., to the floor, e.g., chairs for use on ships). Similar articles (seats, chairs, etc.) for use in gardens, squares, promenades, etc., are also included in this category.

The EN to heading 9403, states:

[I]ce-boxes, ice-chests and the like, and also insulated cabinets not equipped or designed to contain an active refrigerating element but insulated simply by glass fibre, cork, wool, etc., remain classified in this heading.

We begin our analysis with GRI 1. Under note 2(m) to Chapter 39, if the merchandise is described as a container of 4202, it is excluded from classification in either heading 3923 or heading 3924.

Heading 4202 applies to Trunks, suitcases, vanity cases, attaché cases, briefcases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers. The Federal Circuit, in *Totes, Inc. v. United States*, applying the rule of *ejusdem generis*, found that imported merchandise are “of the same kind” as the enumerated articles in 4202 when they are “containers...used to organize, store, and protect specific items.”<sup>1</sup> The Federal Circuit has stated that the appropriate analysis of *ejusdem generis* is as follows:

Under the rule of *ejusdem generis*, which means “of the same kind,” where an enumeration of specific things is followed by a general word or phrase, the general word or phrase is held to refer to things of the same kind as those specified. As applicable to classification cases, *ejusdem generis* requires that the imported merchandise possess the essential characteristics or purposes that unite the articles enumerated *eo nomine* [by name] in order to be classified under the general terms.

The subject merchandise is “of the same kind” as the enumerated articles, as it used by consumers to store, organize, and protect (through insulation) food and beverages, while travelling. Additionally, coolers and the enumerated articles share physical characteristics; they are rectangular containers with hinged tops and a single compartment for storing specific items, such as food, beverages, clothes, a specific musical instrument, etc. Also, similar to the enumerated articles, when coolers are of a larger size, they usually include handles to allow for ease when traveling.

In *SGL, Inc. v. United States*, the Federal Circuit classified soft-sided vinyl insulated coolers with handles under Heading 3924 over Heading 4202, focusing on the involvement of food and beverages.<sup>2</sup> The Federal Circuit found that although soft-sided vinyl insulated bags were designed to protect, store, and carry a wide-range of products, including consumable goods, that

<sup>1</sup> 69 F. 3d 495, 498 (Fed. Cir. 1995).

<sup>2</sup> 122 F.3d 1468, 1472–1473 (Fed. Cir. 1997)

the focus of the analysis should be on whether the *eo nomine* exemplars found in 4202 carried food and beverages.<sup>3</sup> At the time of SGI, there were no such examples, however, the second part of 4202 heading now includes “insulated food or beverage bags.”<sup>4</sup> Additionally, the Federal Circuit also relied on the EN to Heading 3924, which specifically mentioned “luncheon boxes” as an example of “other household articles.”<sup>5</sup> The EN to Heading 3924 no longer includes this example.

Furthermore, since the merchandise is classifiable in heading 4202 as a container, it cannot be classified in Chapter 39.

The merchandise is not classifiable as furniture in heading 9403. The courts have construed “furniture” to mean articles “for the use, convenience, and comfort of the house dweller and not subsidiary articles for ornamentation alone.”<sup>6</sup> Furthermore, the courts have distinguished “furniture” from articles that are “subsidiary adjuncts and appendages designed for the ornamentation of a dwelling or business place, or which are of comparatively minor importance so far as use, comfort, and convenience are concerned.”<sup>7</sup>

Although a cooler is a movable article with a utilitarian purpose, as it is useful to those travelling with food and beverages, it lacks the characteristics of furniture found as examples in Chapter 94 and is not likely to equip a private dwelling. It may be stored in a private dwelling, but it would serve its purpose outside of the dwelling—this is especially illustrated by the coolers that include drain plugs, which would allow users to drain melted ice. Additionally, it is not used for comfort and convenience in the home.

We note that the merchandise in Ruling NY R01732, which classified a cooler under 9403, is distinguishable. In that ruling the container was described as follows:

[M]ade of a steel container that mounts to a steel leg structure with rolling plastic castors attached to the bottom of the four legs. The container has a lid that hinges in the middle allowing consumers access from two sides of the container. Both the steel container and lid are insulated with Styrofoam. It can be used both indoors and outdoors to keep beverages cold by placing ice within.

The merchandise in R01732 is more akin to furniture and dissimilar to the plastic coolers, as it can be utilized indoors, includes legs, and is made of steel. This product can be displayed in the house or outside as furniture and serves a utilitarian purpose, unlike the plastic coolers, which tend to be stored in a private dwelling, office, etc., until needed. Rigid plastic coolers cannot be classified under 9403 as furniture.

In the comment we received, the commenter proposed that the coolers should be classified under subheading 3924.10.4000, HTSUS, which provides for “Tableware, kitchenware, other household articles and hygienic or toilet articles, of plastics: Tableware and kitchenware: Other.” In particular, the

<sup>3</sup> *Id.* at 1470.

<sup>4</sup> See generally *Mitsubishi Int’l Corp. v. United States*, 182 F.3d 884, 886 (Fed. Cir. 1999) (a previous specificity analysis does not apply to classifications made under differing language of a more recently enacted HTSUS.)

<sup>5</sup> 122 F.3d at 1473.

<sup>6</sup> *Pomeroy Collection, Ltd. v. United States*, 893 F. Supp. 2d 1269, 1284 (Ct. Int’l Trade 2013) (citing *Furniture Import Corp. v. United States*, 56 Cust. Ct. 125, 133, C.D. 2619 (1966)).

<sup>7</sup> *Id.*

commenter claimed that coolers have a specific purpose, to store food, which is inconsistent with the articles enumerated in heading 4202. The comment also asserts that the coolers are not primarily used to store, organize, and protect items while traveling.

In support of its argument, the commenter relied on *Otter Products, LLC v. United States*, 834 F.3d 1369 (Fed. Cir. 2016), in which the Federal Circuit held that plastic phone cases/covers were not “similar containers” to the exemplars in heading 4202 because they were not containers and they did not organize (“only hold one electronic device”), store (“devices remain fully functional” [and not] “set aside” for future use), and carry (“add nothing to the carrying capability that the electronic device standing alone, would not already have”).

Unlike the phone cases in *Otter Products*, rigid coolers are containers which can organize, store, and carry (include handles) several items for future use. Additionally, the coolers also protect the items stored through insulation. Therefore, we are not persuaded by the commenter’s assertion that the coolers are not “similar containers” to the exemplars in heading 4202. Having considered the submitted comment, CBP finds that the subject rigid plastic coolers are classified under subheading 4202.12.2120, HTSUS.

#### **HOLDING:**

By application of GRI 1, and in the case of the merchandise described in HQ 085323, by GRI 3(b), the subject rigid plastic coolers, are classified in heading 4202, HTSUS, specifically in subheading 4202.12.2120, HTSUS, which provides for: “Trunks, suitcases, vanity cases, attache cases, briefcases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers: With outer surface of plastics or of textile materials: With outer surface of plastics: Trunks, suitcases, vanity cases and similar containers: Structured, rigid on all sides.” The 2020 column one general rate of duty for subheading 4202.12.2120, HTSUS, is 20% *ad valorem*.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the internet at [www.usitc.gov/tata/hts](http://www.usitc.gov/tata/hts)

#### **EFFECT ON OTHER RULINGS**

New York Ruling Letter N285560, dated May 2, 2017, is hereby MODIFIED in accordance with the above analysis.

Headquarters Ruling Letter 085323, dated September 14, 1984, and New York Ruling Letters N024773, dated April 11, 2008, N259674, dated December 12, 2014, N262814, dated April 9, 2015, N263691, dated April 29, 2015, and N276904, dated July 22, 2016, are hereby REVOKED in accordance with the above analysis.

In accordance with 19 U.S.C. § 1625(c), this ruling will become effective 60 days after its publication in the *Customs Bulletin*.

*Sincerely,*  
*for*

CRAIG T. CLARK,  
*Director*

*Commercial and Trade Facilitation Division*



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**19 CFR PART 177****REVOCATION OF ELEVEN RULING LETTERS,  
MODIFICATION OF TWO RULING LETTERS AND  
REVOCATION OF TREATMENT RELATING TO THE  
TARIFF CLASSIFICATION OF METAL LUNCH BOXES**

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Notice of revocation of eleven ruling letters, modification of two ruling letters and of revocation of treatment relating to the tariff classification of metal lunch boxes.

**SUMMARY:** Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. § 1625(c)), as amended by section 623 of title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is revoking eleven ruling letters and modifying two ruling letters concerning tariff classification of metal lunch boxes under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin*, Vol. 54, No. 16, on April 29, 2020. No comments were received in response to that notice.

**EFFECTIVE DATE:** This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after August 7, 2020.

**FOR FURTHER INFORMATION CONTACT:** Reema Bogin, Chemicals, Petroleum, Metals and Miscellaneous Articles Branch, Regulations and Rulings, Office of Trade, at reema.bogin@cbp.dhs.gov.

**SUPPLEMENTARY INFORMATION:****BACKGROUND**

Current customs law includes two key concepts: informed compliance and shared responsibility. Accordingly, the law imposes an obligation on CBP to provide the public with information concerning the trade community's responsibilities and rights under the customs and related laws. In addition, both the public and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other

information necessary to enable CBP to properly assess duties, collect accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to 19 U.S.C. § 1625(c)(1), a notice was published in the *Customs Bulletin*, Vol. 54, No. 16, on April 29, 2020, proposing to revoke eleven ruling letters and to modify two ruling letters pertaining to the tariff classification of metal lunch boxes. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should have advised CBP during the comment period.

Similarly, pursuant to 19 U.S.C. § 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should have advised CBP during the comment period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of this notice.

In HQ 965555, HQ 967931, HQ 966836, HQ 965554, HQ 963339, HQ 965063, HQ 963647, NY H88277, NY N150496, NY N104149, NY I82546, HQ 963670, and HQ 963539, CBP classified metal lunch boxes in heading 7326, HTSUS, specifically in subheading 7326.90, HTSUS, which provides for “[o]ther articles of iron or steel: Other.” CBP has reviewed HQ 965555, HQ 967931, HQ 966836, HQ 965554, HQ 963339, HQ 965063, HQ 963647, NY H88277, NY N150496, NY N104149, NY I82546, HQ 963670, and HQ 963539, and has determined the ruling letters to be in error. It is now CBP's position that metal lunch boxes are properly classified, in heading 4202, HTSUS, specifically in subheading 4202.19.00, HTSUS, which provides for “[t]runks, suitcases, vanity cases, attache cases, briefcases school satchels and similar containers: Other.”

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is revoking HQ 965555, HQ 967931, HQ 966836, HQ 965554, HQ 963339, HQ 965063, HQ 963647, NY H88277, NY N150496, NY N104149, and NY I82546; modifying HQ 963670 and HQ 963539; and revoking or modifying any other ruling not specifically identified to reflect the analysis contained in Headquarters Ruling Letter (“HQ”) H275864, set forth as an attachment to this notice. Additionally, pursuant to 19 U.S.C. § 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

In accordance with 19 U.S.C. § 1625(c), this ruling will become effective 60 days after publication in the *Customs Bulletin*.

CRAIG T. CLARK,  
*Director*  
*Commercial and Trade Facilitation Division*

*Attachment*

HQ H275864

June 17, 2020

OT:RR:CTF:CPMM H275864 RRB

CATEGORY: Classification

TARIFF NO.: 4202.19.0000

Ms. KATHY M. BELAS

JAMES G. WILEY CO.

P.O. Box 90008

LOS ANGELES, CA 90009-0008

RE: Revocation of HQ 965555, HQ 967931, HQ 966836, HQ 965554, HQ 963339, HQ 965063, HQ 963647, NY H88277, NY N150496, NY N104149, NY I82546; Modification of HQ 963670 and HQ 963539; Tariff classification of a metal lunch box

DEAR Ms. BELAS:

This is to inform you that U.S. Customs and Border Protection (“CBP”) has reconsidered Headquarters Ruling Letter (“HQ”) 965555, dated August 12, 2002, regarding the classification of metal lunch boxes. We have also reconsidered HQ 967931<sup>1</sup>, dated April 21, 2006; HQ 966836<sup>2</sup>, dated April 1, 2004; HQ 965554<sup>3</sup>, dated August 12, 2002; HQ 963339<sup>4</sup>, dated April 19, 2002; HQ 965063<sup>5</sup>, dated April 12, 2002; HQ 963647<sup>6</sup>, April 12, 2002; New York Ruling Letter (“NY”) H88277<sup>7</sup>, dated April 26, 2002; NY N150496<sup>8</sup>, dated March 18,

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<sup>1</sup> HQ 967931 classified a metal carrying case that is similar to a lunch box, measures approximately 7.5 inches in height, 8 inches in length and 4 inches in depth, and has a hinged lid and plastic carrying handle in subheading 7326.90.10, HTSUS.

<sup>2</sup> In HQ 966836, Protestant argued that the subject lunch boxes should have been classified in subheading 7326.90.10, HTSUS, as “other articles of iron or steel: Other: Of tinsplate.” CBP denied the protest and application for further review concerning the proper classification of metal lunch boxes with handles and hinged lids that were originally entered under subheading 7326.90.8586, HTSUS, as “other articles of iron or steel: Other: Other.”

<sup>3</sup> HQ 955554 classified a metal container in the shape of a traditional school lunch box, measuring 9 inches in height, 7 inches in length and 4 inches in depth, with a secured top closure and a single handle, in subheading 7326.90.10, HTSUS.

<sup>4</sup> HQ 963339 classified in subheading 7326.90.10, HTSUS, a “Curious George Tin Box with Red Handle PMS 485C,” which is a container in the shape of a traditional school lunch box and manufactured wholly of tinsplated steel. It is seven and one-half inches in width, six inches in height and three and three-eighths inches in depth. The merchandise has a flat plastic handle that is attached to the top of the container and swivels from side to side. It also has a hinged bottom and a metal clasp closure on the top.

<sup>5</sup> HQ 965063 classified in subheading 7326.90.10, HTSUS, containers composed of tinsplated sheet steel with handles and latches that secure the container closed.

<sup>6</sup> HQ 963647 classified tin-plated steel containers with hinges, handles, and metal latch closures in subheading 7326.90.10, HTSUS.

<sup>7</sup> NY H88277 classified a tin-plated lunch box with a plastic handle in subheading 7326.90.10, HTSUS.

<sup>8</sup> NY N150496 classified an iron lunch box, which was seven and three-quarter inches in length, six inches in height, and two and three-quarter inches deep, with a plastic handle and metal hinge latch in subheading 7326.90.8588, HTSUS.

2011, NY N104149<sup>9</sup>, dated May 20, 2010; NY I82546<sup>10</sup>, dated June 7, 2002; HQ 963670<sup>11</sup>, dated April 12, 2002; and HQ 963539<sup>12</sup>, April 12, 2002, regarding substantially similar merchandise. The metal lunch boxes were classified under subheading 7326.90, Harmonized Tariff Schedule of the United States (“HTSUS”), as “[o]ther articles of iron or steel: Other.” For the reasons set forth below, we hereby revoke HQ 965555, HQ 967931, HQ 966836, HQ 965554, HQ 963339, HQ 965063, HQ 963647, NY H88277, NY N150496, NY N104149, NY I82546, and modify HQ 963670 and HQ 963539 with respect to the classification of metal lunch boxes.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, notice of the proposed action was published on April 29, 2020, in Volume 54, Number 16 of the *Customs Bulletin*. No comments were received in response to this notice.

#### FACTS:

In HQ 965555, we described the product as follows:

The article subject to this reconsideration is a container that has the shape of a traditional school lunch box, only smaller. It measures seven and one-half (7 1/2) inches in length, three and one-eighth (3 1/8) inches in width and five and one-eighth (5 1/8) inches in height. It is composed of metal believed by the Customs Service to be sheet steel. The initial ruling request indicates that the item is made of tin. . .

The item, described by the broker as a “lunch tote,” has a plastic handle on top that swivels side to side. One side of the item opens and may be secured closed by a latch on the top. Attachments for a shoulder strap are located on the narrow or width sides, one and one-half (1 1/2) inches from the top. . .

The subject metal lunch box in HQ 965555, as well as those described in HQ 967931, HQ 966836, HQ 965554, HQ 963339, HQ 965063, HQ 963647, NY H88277, NY N150496, NY N104149, NY I82546, HQ 963670, and HQ 963539<sup>13</sup> each have a handle, hinged lid, and metal latch closure.

---

<sup>9</sup> NY N104149 classified a tin-plated steel lunch box, measuring 20.2 centimeters in length, 17.2 centimeters in heights, and 10.2 centimeters in width, with a plastic handle, in subheading 7326.90.10, HTSUS.

<sup>10</sup> NY I82546 classified a lunch box made of sheet steel, measuring 18 centimeters by 7.6 centimeters by 13.5 centimeters, with a hinged lid and plastic handle in subheading 7326.90.35, HTSUS.

<sup>11</sup> HQ 963670 classified a metal container in the shape of a traditional school lunch, but smaller, measuring four and one-eighth inches in height, five and one-half inches in width and two and one-fourth inches in depth, in subheading 7326.90.10, HTSUS. The metal container has a plastic handle attached to the top, two loop-style hinges on the bottom, and a metal clasp on the top to close the container. The chewing gum inside the container was classified separately in subheading 1704.10.00, HTSUS.

<sup>12</sup> HQ 963539 classified two types of metal containers with handles and latches in subheading 7326.90.10, HTSUS, and a metal container without handles or latches in subheading 7326.90.10, HTSUS.

<sup>13</sup> One of the metal lunch boxes in HQ 963539 does not have handles, latches, or hinges and was correctly classified in heading 7326, HTSUS.

**ISSUE:**

Whether the subject metal lunch boxes are classified in heading 4202, HTSUS, as “trunks, suitcases, vanity cases, attache cases, briefcases school satchels and similar containers,” or in heading 7326, HTSUS, as “other articles of iron or steel.”

**LAW AND ANALYSIS:**

The classification of merchandise under the HTSUS is governed by the General Rules of Interpretation (“GRIs”). GRI 1 provides, in part, that “for legal purposes, classification shall be determined according to terms of the headings and any relative section or chapter notes...” In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs may then be applied in order.

The HTSUS headings under consideration are as follows:

4202	Trunks, suitcases, vanity cases, attache cases, briefcases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers; traveling bags, insulated food or beverage bags, toiletry bags, knapsacks and backpacks, handbags, shopping bags, wallets, purses, map cases, cigarette cases, tobacco pouches, tool bags, sports bags, bottle cases, jewelry boxes, powder cases, cutlery cases and similar containers, of leather or of composition leather, of sheeting of plastics, of textile materials, of vulcanized fiber or of paperboard, or wholly or mainly covered with such materials or with paper:  Trunks, suitcases, vanity cases, attache cases, briefcases, school satchels and similar containers:
4202.19.00	Other. . . * * *
7326	Other articles of iron or steel:
7326.90	Other:
7326.90.10	Of tinplate. . . * * *

The Harmonized Commodity Description and Coding System Explanatory Notes (“EN”) constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of the headings. It is CBP’s practice to consult, whenever possible, the terms of the ENs when interpreting the HTSUS. *See* T.D. 89–80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

The EN to 42.02 states, in relevant part, that:

This heading covers **only** the articles specifically named therein and similar containers.

These containers may be rigid or with a rigid foundation, or soft and without foundation.

Subject to Notes 2 and 3 to this Chapter, the articles covered by the first part of the heading may be of any material. The expression “similar

containers” in the first part includes hat boxes, camera accessory cases, cartridge pouches, sheaths for hunting or camping knives, portable tool boxes or cases, specially shaped or internally fitted to contain particular tools with or without their accessories, etc.

The articles covered by the second part of the heading must, however, be only of the materials specified therein or must be wholly or mainly covered with such materials or with paper (the foundation may be of wood, metal, etc.). The term “leather” includes chamois (including combination chamois) leather, patent leather, patent laminated leather and metallised leather (see Note 1 to this Chapter). The expression “similar containers” in this second part includes note-cases, writing-cases, pen-cases, ticket-cases, needle-cases, key-cases, cigar-cases, pipe-cases, tool and jewellery rolls, shoe-cases, brush-cases, etc....

The heading **does not cover**: ... (f) Tool boxes or cases, not specially shaped or internally fitted to contain particular tools with or without their accessories (generally, **heading 39.26** or **73.26**) ... .

\* \* \*

The EN to 73.26 states, in relevant part, that heading 7326, HTSUS, includes:

(3) Certain boxes and cases, e.g., tool boxes or cases, not specially shaped or internally fitted to contain particular tools with or without their accessories (see the Explanatory Note to heading 42.02); botanists’, etc., collection or specimen cases, trinket boxes; cosmetic or powder boxes and cases; cigarette cases, tobacco boxes, cachou boxes, etc., but **not including** containers of **heading 73.10**, household containers (**heading 73.23**), nor ornaments (**heading 83.06**).

\* \* \*

In recent rulings, as well as in rulings from two to three decades ago, CBP has classified multiple-use, metal or molded plastic lunch boxes and hinged containers with handles, in heading 4202, as containers similar to articles of the heading, *i.e.*, trunks, suitcases, vanity cases, attache cases briefcases, and school satchels. *See, e.g.*, HQ H266606, dated November 10, 2015; NY N239382, dated April 2, 2013; NY N231558, dated September 4, 2012; NY N047586, dated January 21, 2009; NY K84289, dated March 24, 2004; NY K81365, dated December 17, 2003; and NY H83774, dated July 23, 2001; HQ 953663, dated May 21, 1993; HQ 953044, dated April 19, 1993; HQ 952702, dated April 9, 1993; HQ 088472, dated August 17, 1992; HQ 950049, dated April 21, 1992; HQ 951029, dated April 7, 1992; HQ 087281, dated October 29, 1990; and HQ 082488, dated February 21, 1989.

We erroneously departed from that analysis in the rulings at issue here, dated from 2002 through 2006, due to the addition of language to EN 42.02 regarding the exclusion of tool boxes, not specially shaped or internally fitted for their tools. We do not believe this EN language should have been applied to lunch boxes.

Heading 4202, HTSUS, is an *eo nomine* provision, which describes goods by their specific name. *Otter Prods., LLC v. United States*, 834 F. 3d 1369, 1376 (Fed. Cir. 2016) (citing *La Crosse Tech. v. United States*, 723 F. 3d 1353, 1358 (Fed. Cir. 2013)). Metal lunch boxes are not named in heading 4202, HTSUS.



Rather, the subject metal lunch boxes are “similar containers” to the named articles listed before the semicolon, as they possess the essential characteristics that unite these articles, namely, organizing, storing, protecting and carrying various items. *See Avenues III*, 423 F.3d at 1332; *see also* HQ H284146, dated June 20, 2017.

Although not required, lunch boxes do indeed contain all four characteristics.<sup>14</sup> Like trunks that are designed to store, protect and carry personal property such as clothing, toys, blankets, etc.<sup>15</sup>, the subject metal lunch boxes each have a handle, hinged lid, and metal latch closure.<sup>16</sup> They are designed to transport one’s lunch, snacks and beverages from home to school, a workplace, or other destination. They can also be used to transport personal objects such as small figurines, marbles, coins, etc. from one location to another. In addition, the lunch boxes are made of metal to withstand the rigors of travel to and from home and school or another destination. These same features allow for the storage of these items.

In *Otter Prods.*, the CAFC held that in the context of heading 4202, HTSUS, “organization implies multiple items placed in a single container.” *Otter Prods.*, 834 F.3d at 1370. Similarly, when the lunch box is in use, one of its purposes is to organize one’s lunch, snacks, and beverages while placed in the lunch box.

The metal lunch box is also designed to protect food and beverages from being crushed while a child goes about his or her daily activities at school, either in the classroom, cafeteria, or on the playground. Accordingly, the subject metal lunch boxes are *ejusdem generis* with containers of the first part of heading 4202, HTSUS.

In light of the foregoing, we find that the metal lunch boxes with handles, hinged lids, and latch closures in HQ 965555, HQ 967931, HQ 966836, HQ 965554, HQ 963339, HQ 965063, HQ 963647, NY H88277, NY N150496, NY N104149, NY I82546, HQ 963670, and HQ 963539 are classified in heading 4202, HTSUS, and specifically provided for under subheading 4202.19.00, HTSUS, as “[t]runks, suitcases, vanity cases, attache cases, briefcases school satchels and similar containers: Other.” As such, they are not described as an other article of steel in heading 7326.

### **HOLDING:**

Pursuant to GRI 1, metal lunch boxes are classified in heading 4202, HTSUS, specifically under subheading 4202.19.0000, HTSUSA (Annotated), as “[t]runks, suitcases, vanity cases, attache cases, briefcases school satchels and similar containers: Other.” The 2019 column one general rate of duty is 20% *ad valorem*.

<sup>14</sup> The CAFC in *Otter Prods., LLC* clarified that there was no requirement that the merchandise meet all four characteristics to qualify as a “similar container” under heading 4202, HTSUS. However, if the subject metal lunch boxes met only one of the four characteristics, they would not qualify for heading 4202, HTSUS.

<sup>15</sup> *See, e.g.*, HQ 964480, dated November 30, 2000; NY N265610, dated July 9, 2015; NY N103895, dated May 7, 2010; NY N049978, dated February 23, 2009; NY N043237, dated December 2, 2008; and NY I81458, dated May 16, 2002.

<sup>16</sup> All of the subject metal lunch boxes have a handle, hinged lid, and metal latch closure except for one of the items in HQ 963539, which was correctly classified in heading 7326, HTSUS. The other two items in that ruling each have a handle, hinged lid, and metal latch closure.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompany duty rate are provided on the World Wide Web, at <http://www.usitc.gov/tata.hts/>.

**EFFECT ON OTHER RULINGS:**

HQ 965555, dated August 12, 2002; HQ 967931, dated April 21, 2006; HQ 966836, dated April 1, 2004; HQ 965554, dated August 12, 2002; HQ 963339, dated April 19, 2002; HQ 965063, dated April 12, 2002; HQ 963647, dated April 12, 2002; NY H88277, dated April 26, 2002; NY N150496, dated March 18, 2011; NY N104149, May 20, 2010; NY I82546, dated June 7, 2002, are hereby REVOKED.

HQ 963670, dated April 12, 2002, and HQ 963539, dated April 12, 2002, are hereby MODIFIED with respect to the classification of the metal container in the shape of a traditional school lunch box.

In accordance with 19 U.S.C. § 1625(c), this ruling will become effective 60 days after its publication in the Customs Bulletin.

*Sincerely,*  
*for*

CRAIG T. CLARK,  
*Director*

*Commercial and Trade Facilitation Division*

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## COMMERCIAL CUSTOMS OPERATIONS ADVISORY COMMITTEE (COAC)

**AGENCY:** U.S. Customs and Border Protection (CBP), Department of Homeland Security (DHS).

**ACTION:** Committee management; notice of Federal Advisory Committee Meeting.

**SUMMARY:** The Commercial Customs Operations Advisory Committee (COAC) will hold its quarterly meeting on Wednesday, July 15, 2020. The meeting will be open to the public via webinar only. There is no on-site, in-person option for this quarterly meeting.

**DATES:** The COAC will meet on Wednesday, July 15, 2020, from 1:00 p.m. to 5:00 p.m. EDT. Please note that the meeting may close early if the committee has completed its business. Comments must be submitted in writing no later than July 14, 2020.

**ADDRESSES:** The meeting will be held via webinar. The webinar link and conference number will be provided to all registrants by 10:00 a.m. EDT on July 15, 2020. For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Ms. Florence Constant-Gibson, Office of Trade Relations, U.S. Customs and Border Protection (CBP), at (202) 344-1440 as soon as possible.

**FOR FURTHER INFORMATION CONTACT:** Ms. Florence Constant-Gibson, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.5A, Washington, DC 20229; telephone (202) 344-1440; facsimile (202) 325-4290; or Ms. Valarie M. Neuhart, Acting Executive Director and Designated Federal Officer at (202) 344-1440.

**SUPPLEMENTARY INFORMATION:** Notice of this meeting is given under the authority of the Federal Advisory Committee Act, 5 U.S.C. Appendix. The Commercial Customs Operations Advisory Committee (COAC) provides advice to the Secretary of Homeland Security, the Secretary of the Treasury, and the Commissioner of U.S. Customs and Border Protection (CBP) on matters pertaining to the commercial operations of CBP and related functions within the Department of Homeland Security and the Department of the Treasury.

*Pre-registration:* For members of the public who plan to participate via webinar, please register online at <https://teregistration.cbp.gov/index.asp?w=203> by 5:00 p.m. EDT on July 14, 2020. For members of the public who are pre-registered to attend the webinar and later

need to cancel, please do so by July 14, 2020, utilizing the following link: <https://teregistration.cbp.gov/cancel.asp?w=203>.

Please feel free to share this information with other interested members of your organization or association.

To facilitate public participation, we are inviting public comment on the issues the committee will consider prior to the formulation of recommendations as listed in the Agenda section below.

Comments must be submitted in writing no later than July 14, 2020, and must be identified by Docket No. USCBP–2020–0033, and may be submitted by one (1) of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* [tradeevents@cbp.dhs.gov](mailto:tradeevents@cbp.dhs.gov). Include the docket number in the subject line of the message.
- *Fax:* (202) 325–4290, Attention Florence Constant-Gibson.
- *Mail:* Ms. Florence Constant-Gibson, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Room 3.5A, Washington, DC 20229.

*Instructions:* All submissions received must include the words “Department of Homeland Security” and the docket number (USCBP–2020–0033) for this action. Comments received will be posted without alteration at <http://www.regulations.gov>. Please do not submit personal information to this docket.

*Docket:* For access to the docket or to read background documents or comments, go to <http://www.regulations.gov> and search for Docket Number USCBP–2020–0033. To submit a comment, click the “Comment Now!” button located on the top-right hand side of the docket page.

There will be multiple public comment periods held during the meeting on July 15, 2020. Speakers are requested to limit their comments to two (2) minutes or less to facilitate greater participation. Please note that the public comment period for speakers may end before the time indicated on the schedule that is posted on the CBP web page, <http://www.cbp.gov/trade/stakeholder-engagement/coac>.

## **Agenda**

The COAC will hear from the current subcommittees on the topics listed below and then will review, deliberate, provide observations, and formulate recommendations on how to proceed:

1. The Rapid Response Subcommittee will provide updates and recommendations from the Broker Exam Modernization Working Group and the United States—Mexico—Canada Agreement (USMCA) Working Group. The subcommittee will also discuss the

COAC COVID-19 Recommendations and White Paper and the Executive Order on Regulatory Relief to Support Economic Recovery as well as announce the creation of a new Rapid Response Working Group that will focus on automotive certification requirements under USMCA.

2. The Intelligent Enforcement Subcommittee will provide updates and recommendations from the working groups under its jurisdiction for COAC's consideration. The Intellectual Property Rights (IPR) Working Group continues to work on a background paper on the issue of a Bad Actors list. The concept is related to information sharing—using existing data more effectively to identify bad actors, such as counterfeiters, based on information from both the trade and the U.S. Government. Through the subcommittee, CBP is creating another IPR working group to address industry feedback regarding the Combating Counterfeit & Pirated Goods Presidential Memorandum with plans for recommendations on these issues. The AD/CVD Working Group continues to discuss complex issues with pipe spools and trade remedies and plans to present recommendations on these issues. The Bond Working Group has continued discussions with CBP on bond amounts and requirements for Foreign Trade Zones and Pipeline Operators and plans to present recommendations on these issues. The Forced Labor Working Group will report on progress of its assessment of the current e-Allegations submissions mechanism (portal) and process for reporting forced labor violations and deliver an industry collaboration white paper and related recommendations.

3. The Secure Trade Lanes Subcommittee will provide updates on the four working groups currently operating under the subcommittee. The Trusted Trader Working Group will provide details on activities focusing on the Customs Trade Partnership Against Terrorism (CTPAT) trade compliance implementation, developing a methodology for managing program benefits, PGA (Partner Government Agency) engagement, and new forced labor requirements. The subcommittee will provide an update of the In-Bond Working Group's analysis of trade-specific pain points within the current In-Bond processes by mode and will make recommendations to improve the efficiency and effectiveness of the In-Bond regulations. The Export Modernization Working Group will provide updates on its progress in updating the export data elements and recommendations on changes to remove redundancy and promote efficiency of data submission in support of U.S. exports. The Remote and Autonomous Cargo Processing Working Group will provide updates on the use of image technology for trains crossing land borders and leveraging partnerships through the donations acceptance programs. Additionally, this working group will pro-

vide an update on the concept of a driver identification card for a more streamlined and efficient border crossing for non-Free and Secure Trade Lane (FAST) drivers.

4. The Next Generation Facilitation Subcommittee will provide an update on the progress of the Unified Entry Working Group which is moving towards an operational framework by analyzing specific pain points within the entry process. The Emerging Technologies Working Group will cover its assessment of various technologies that could be adapted for CBP and trade issues.

Meeting materials will be available by July 13, 2020, at: <http://www.cbp.gov/trade/stakeholder-engagement/coac/coac-public-meetings>.

Dated: June 17, 2020.

VALARIE M. NEUHART,  
*Acting Executive Director,*  
*Office of Trade Relations.*

[Published in the Federal Register, June 22, 2020 (85 FR 37467)]



## 19 CFR CHAPTER I

### **NOTIFICATION OF TEMPORARY TRAVEL RESTRICTIONS APPLICABLE TO LAND PORTS OF ENTRY AND FERRIES SERVICE BETWEEN THE UNITED STATES AND CANADA**

**AGENCY:** Office of the Secretary, U.S. Department of Homeland Security; U.S. Customs and Border Protection, U.S. Department of Homeland Security.

**ACTION:** Notification of continuation of temporary travel restrictions.

**SUMMARY:** This document announces the decision of the Secretary of Homeland Security (Secretary) to continue to temporarily limit the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border. Such travel will be limited to “essential travel,” as further defined in this document.

**DATES:** These restrictions go into effect at 12 a.m. Eastern Daylight Time (EDT) on June 23, 2020 and will remain in effect until 11:59 p.m. EDT on July 21, 2020.

**FOR FURTHER INFORMATION CONTACT:** Alyce Modesto, Office of Field Operations, U.S. Customs and Border Protection (CBP) at 202-344-3788.

**SUPPLEMENTARY INFORMATION:****Background**

On March 24, 2020, DHS published notice of the Secretary's decision to temporarily limit the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border to "essential travel," as further defined in that document.<sup>1</sup> The document described the developing circumstances regarding the COVID-19 pandemic and stated that, given the outbreak and continued transmission and spread of COVID-19 within the United States and globally, the Secretary had determined that the risk of continued transmission and spread of COVID-19 between the United States and Canada posed a "specific threat to human life or national interests." The Secretary later published a series of notifications continuing such limitations on travel until 11:59 p.m. EDT on June 22, 2020.<sup>2</sup>

The Secretary has continued to monitor and respond to the COVID-19 pandemic. As of June 18, there are over 8.2 million confirmed cases globally, with over 445,000 confirmed deaths.<sup>3</sup> There are over 2.1 million confirmed and probable cases within the United States,<sup>4</sup> over 99,000 confirmed cases in Canada,<sup>5</sup> and over 154,000 confirmed cases in Mexico.<sup>6</sup>

**Notice of Action**

Given the outbreak and continued transmission and spread of COVID-19 within the United States and globally, the Secretary has determined that the risk of continued transmission and spread of COVID-19 between the United States and Canada poses an ongoing "specific threat to human life or national interests."

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<sup>1</sup> 85 FR 16548 (Mar. 24, 2020). That same day, DHS also published notice of the Secretary's decision to temporarily limit the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border to "essential travel," as further defined in that document. 85 FR 16547 (Mar. 24, 2020).

<sup>2</sup> See 85 FR 31059 (May 22, 2020); 85 FR 22352 (Apr. 22, 2020). DHS also published parallel notifications of the Secretary's decisions to continue temporarily limiting the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border to "essential travel." See 85 FR 31057 (May 22, 2020); 85 FR 22353 (Apr. 22, 2020).

<sup>3</sup> WHO, Coronavirus disease 2019 (COVID-19) Situation Report—150 (June 18, 2020), available at [https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200618-covid-19-sitrep-150.pdf?sfvrsn=aa9fe9cf\\_2](https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200618-covid-19-sitrep-150.pdf?sfvrsn=aa9fe9cf_2).

<sup>4</sup> CDC, Cases of COVID-19 in the U.S. (last updated June 17, 2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>.

<sup>5</sup> WHO, Coronavirus disease 2019 (COVID-19) Situation Report—150 (June 18, 2020).

<sup>6</sup> *Id.*



U.S. and Canadian officials have mutually determined that non-essential travel between the United States and Canada poses additional risk of transmission and spread of COVID-19 and places the populace of both nations at increased risk of contracting COVID-19. Moreover, given the sustained human-to-human transmission of the virus, returning to previous levels of travel between the two nations places the personnel staffing land ports of entry between the United States and Canada, as well as the individuals traveling through these ports of entry, at increased risk of exposure to COVID-19. Accordingly, and consistent with the authority granted in 19 U.S.C. 1318(b)(1)(C) and (b)(2),<sup>7</sup> I have determined that land ports of entry along the U.S.-Canada border will continue to suspend normal operations and will only allow processing for entry into the United States of those travelers engaged in “essential travel,” as defined below. Given the definition of “essential travel” below, this temporary alteration in land ports of entry operations should not interrupt legitimate trade between the two nations or disrupt critical supply chains that ensure food, fuel, medicine, and other critical materials reach individuals on both sides of the border.

For purposes of the temporary alteration in certain designated ports of entry operations authorized under 19 U.S.C. 1318(b)(1)(C) and (b)(2), travel through the land ports of entry and ferry terminals along the United States-Canada border shall be limited to “essential travel,” which includes, but is not limited to—

- U.S. citizens and lawful permanent residents returning to the United States;
- Individuals traveling for medical purposes (*e.g.*, to receive medical treatment in the United States);
- Individuals traveling to attend educational institutions;

<sup>7</sup> 19 U.S.C. 1318(b)(1)(C) provides that “[n]otwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 *et seq.*) or to a specific threat to human life or national interests,” is authorized to “[t]ake any . . . action that may be necessary to respond directly to the national emergency or specific threat.” On March 1, 2003, certain functions of the Secretary of the Treasury were transferred to the Secretary of Homeland Security. *See* 6 U.S.C. 202(2), 203(1). Under 6 U.S.C. 212(a)(1), authorities “related to Customs revenue functions” were reserved to the Secretary of the Treasury. To the extent that any authority under section 1318(b)(1) was reserved to the Secretary of the Treasury, it has been delegated to the Secretary of Homeland Security. *See* Treas. Dep’t Order No. 100-16 (May 15, 2003), 68 FR 28322 (May 23, 2003). Additionally, 19 U.S.C. 1318(b)(2) provides that “[n]otwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Protection, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.” Congress has vested in the Secretary of Homeland Security the “functions of all officers, employees, and organizational units of the Department,” including the Commissioner of CBP. 6 U.S.C. 112(a)(3).

- Individuals traveling to work in the United States (*e.g.*, individuals working in the farming or agriculture industry who must travel between the United States and Canada in furtherance of such work);
- Individuals traveling for emergency response and public health purposes (*e.g.*, government officials or emergency responders entering the United States to support federal, state, local, tribal, or territorial government efforts to respond to COVID-19 or other emergencies);
- Individuals engaged in lawful cross-border trade (*e.g.*, truck drivers supporting the movement of cargo between the United States and Canada);
- Individuals engaged in official government travel or diplomatic travel;
- Members of the U.S. Armed Forces, and the spouses and children of members of the U.S. Armed Forces, returning to the United States; and
- Individuals engaged in military-related travel or operations.

The following travel does not fall within the definition of “essential travel” for purposes of this Notification—

- Individuals traveling for tourism purposes (*e.g.*, sightseeing, recreation, gambling, or attending cultural events).

At this time, this Notification does not apply to air, freight rail, or sea travel between the United States and Canada, but does apply to passenger rail, passenger ferry travel, and pleasure boat travel between the United States and Canada. These restrictions are temporary in nature and shall remain in effect until 11:59 p.m. EDT on July 21, 2020. This Notification may be amended or rescinded prior to that time, based on circumstances associated with the specific threat.

The Commissioner of U.S. Customs and Border Protection (CBP) is hereby directed to prepare and distribute appropriate guidance to CBP personnel on the continued implementation of the temporary measures set forth in this Notification. The CBP Commissioner may determine that other forms of travel, such as travel in furtherance of economic stability or social order, constitute “essential travel” under this Notification. Further, the CBP Commissioner may, on an individualized basis and for humanitarian reasons or for other purposes in the national interest, permit the processing of travelers to the United States not engaged in “essential travel.”

The Acting Secretary of Homeland Security, Chad F. Wolf, having reviewed and approved this document, is delegating the authority to electronically sign this document to Chad R. Mizelle, who is the Senior Official Performing the Duties of the General Counsel for DHS, for purposes of publication in the **Federal Register**.

CHAD R. MIZELLE,  
*Senior Official*  
*Performing the Duties of the General Counsel,*  
*U.S. Department of Homeland Security.*

[Published in the Federal Register, June 24, 2020 (85 FR 37744)]

## 19 CFR CHAPTER I

### **NOTIFICATION OF TEMPORARY TRAVEL RESTRICTIONS APPLICABLE TO LAND PORTS OF ENTRY AND FERRIES SERVICE BETWEEN THE UNITED STATES AND MEXICO**

**AGENCY:** Office of the Secretary, U.S. Department of Homeland Security; U.S. Customs and Border Protection, U.S. Department of Homeland Security.

**ACTION:** Notification of continuation of temporary travel restrictions.

**SUMMARY:** This document announces the decision of the Secretary of Homeland Security (Secretary) to continue to temporarily limit the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border. Such travel will be limited to “essential travel,” as further defined in this document.

**DATES:** These restrictions go into effect at 12 a.m. Eastern Daylight Time (EDT) on June 23, 2020 and will remain in effect until 11:59 p.m. EDT on July 21, 2020.

**FOR FURTHER INFORMATION CONTACT:** Alyce Modesto, Office of Field Operations, U.S. Customs and Border Protection (CBP) at 202-344-3788.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On March 24, 2020, DHS published notice of the Secretary’s decision to temporarily limit the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border to “essential travel,” as further defined in that document.<sup>1</sup> The document described the developing circumstances regarding the COVID-19 pandemic and stated that, given the outbreak and continued transmission and spread of COVID-19 within

<sup>1</sup> 85 FR 16547 (Mar. 24, 2020). That same day, DHS also published notice of the Secretary’s decision to temporarily limit the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border to “essential travel,” as further defined in that document. 85 FR 16548 (Mar. 24, 2020).

the United States and globally, the Secretary had determined that the risk of continued transmission and spread of COVID–19 between the United States and Mexico posed a “specific threat to human life or national interests.” The Secretary later published a series of notifications continuing such limitations on travel until 11:59 p.m. EDT on June 22, 2020.<sup>2</sup>

The Secretary has continued to monitor and respond to the COVID–19 pandemic. As of June 18, there are over 8.2 million confirmed cases globally, with over 445,000 confirmed deaths.<sup>3</sup> There are over 2.1 million confirmed and probable cases within the United States,<sup>4</sup> over 154,000 confirmed cases in Mexico,<sup>5</sup> and over 99,000 confirmed cases in Canada.<sup>6</sup>

### Notice of Action

Given the outbreak and continued transmission and spread of COVID–19 within the United States and globally, the Secretary has determined that the risk of continued transmission and spread of COVID–19 between the United States and Mexico poses an ongoing “specific threat to human life or national interests.”

U.S. and Mexican officials have mutually determined that non-essential travel between the United States and Mexico poses additional risk of transmission and spread of COVID–19 and places the populace of both nations at increased risk of contracting COVID–19. Moreover, given the sustained human-to-human transmission of the virus, returning to previous levels of travel between the two nations places the personnel staffing land ports of entry between the United States and Mexico, as well as the individuals traveling through these ports of entry, at increased risk of exposure to COVID–19. Accordingly, and consistent with the authority granted in 19 U.S.C. 1318(b)(1)(C) and (b)(2),<sup>7</sup> I have determined that land ports of entry

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<sup>2</sup> See 85 FR 31057 (May 22, 2020); 85 FR 22353 (Apr. 22, 2020). DHS also published parallel notifications of the Secretary’s decisions to continue temporarily limiting the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border to “essential travel.” See 85 FR 31050 (May 22, 2020); 85 FR 22352 (Apr. 22, 2020).

<sup>3</sup> WHO, Coronavirus disease 2019 (COVID–19) Situation Report—150 (June 18, 2020), available at [https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200618-covid-19-sitrep-150.pdf?sfvrsn=aa9fe9cf\\_2](https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200618-covid-19-sitrep-150.pdf?sfvrsn=aa9fe9cf_2).

<sup>4</sup> CDC, Cases of COVID–19 in the U.S. (last updated June 17, 2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>.

<sup>5</sup> WHO, Coronavirus disease 2019 (COVID–19) Situation Report—150 (June 18, 2020).

<sup>6</sup> *Id.*

<sup>7</sup> 19 U.S.C. 1318(b)(1)(C) provides that “[n]otwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 *et seq.*) or to a specific threat to human life or national interests,” is authorized to “[t]ake any . . . action that may be necessary to

along the U.S.-Mexico border will continue to suspend normal operations and will only allow processing for entry into the United States of those travelers engaged in “essential travel,” as defined below. Given the definition of “essential travel” below, this temporary alteration in land ports of entry operations should not interrupt legitimate trade between the two nations or disrupt critical supply chains that ensure food, fuel, medicine, and other critical materials reach individuals on both sides of the border.

For purposes of the temporary alteration in certain designated ports of entry operations authorized under 19 U.S.C. 1318(b)(1)(C) and (b)(2), travel through the land ports of entry and ferry terminals along the United States-Mexico border shall be limited to “essential travel,” which includes, but is not limited to—

- U.S. citizens and lawful permanent residents returning to the United States;
  - Individuals traveling for medical purposes (*e.g.*, to receive medical treatment in the United States);
  - Individuals traveling to attend educational institutions;
  - Individuals traveling to work in the United States (*e.g.*, individuals working in the farming or agriculture industry who must travel between the United States and Mexico in furtherance of such work);
  - Individuals traveling for emergency response and public health purposes (*e.g.*, government officials or emergency responders entering the United States to support federal, state, local, tribal, or territorial government efforts to respond to COVID–19 or other emergencies);
  - Individuals engaged in lawful cross-border trade (*e.g.*, truck drivers supporting the movement of cargo between the United States and Mexico);
  - Individuals engaged in official government travel or diplomatic travel;

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respond directly to the national emergency or specific threat.” On March 1, 2003, certain functions of the Secretary of the Treasury were transferred to the Secretary of Homeland Security. *See* 6 U.S.C. 202(2), 203(1). Under 6 U.S.C. 212(a)(1), authorities “related to Customs revenue functions” were reserved to the Secretary of the Treasury. To the extent that any authority under section 1318(b)(1) was reserved to the Secretary of the Treasury, it has been delegated to the Secretary of Homeland Security. *See* Treas. Dep’t Order No. 100–16 (May 15, 2003), 68 FR 28322 (May 23, 2003). Additionally, 19 U.S.C. 1318(b)(2) provides that “[n]otwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Protection, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.” Congress has vested in the Secretary of Homeland Security the “functions of all officers, employees, and organizational units of the Department,” including the Commissioner of CBP. 6 U.S.C. 112(a)(3).

- Members of the U.S. Armed Forces, and the spouses and children of members of the U.S. Armed Forces, returning to the United States; and

- Individuals engaged in military-related travel or operations.

The following travel does not fall within the definition of “essential travel” for purposes of this Notification—

- Individuals traveling for tourism purposes (*e.g.*, sightseeing, recreation, gambling, or attending cultural events).

At this time, this Notification does not apply to air, freight rail, or sea travel between the United States and Mexico, but does apply to passenger rail, passenger ferry travel, and pleasure boat travel between the United States and Mexico. These restrictions are temporary in nature and shall remain in effect until 11:59 p.m. EDT on July 21, 2020. This Notification may be amended or rescinded prior to that time, based on circumstances associated with the specific threat.

The Commissioner of U.S. Customs and Border Protection (CBP) is hereby directed to prepare and distribute appropriate guidance to CBP personnel on the continued implementation of the temporary measures set forth in this Notification. The CBP Commissioner may determine that other forms of travel, such as travel in furtherance of economic stability or social order, constitute “essential travel” under this Notification. Further, the CBP Commissioner may, on an individualized basis and for humanitarian reasons or for other purposes in the national interest, permit the processing of travelers to the United States not engaged in “essential travel.”

The Acting Secretary of Homeland Security, Chad F. Wolf, having reviewed and approved this document, is delegating the authority to electronically sign this document to Chad R. Mizelle, who is the Senior Official Performing the Duties of the General Counsel for DHS, for purposes of publication in the **Federal Register**.

CHAD R. MIZELLE,

*Senior Official*

*Performing the Duties of the General Counsel,  
U.S. Department of Homeland Security.*

[Published in the Federal Register, June 24, 2020 (85 FR 37745)]

## AGENCY INFORMATION COLLECTION ACTIVITIES:

### Commercial Invoice

**AGENCY:** U.S. Customs and Border Protection (CBP), Department of Homeland Security.

**ACTION:** 60-Day notice and request for comments; extension of an existing collection of information.

**SUMMARY:** U.S. Customs and Border Protection (CBP) of the Department of Homeland Security 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted (no later than August 21, 2020) to be assured of consideration.

**ADDRESSES:** Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651-0090 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: *CBP\_PRA@cbp.dhs.gov*.

(2) *Mail.* Submit written comments to: CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229-1177.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229-1177, Telephone number 202-325-0056 or via email *CBP\_PRA@cbp.dhs.gov*. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP website at *https://www.cbp.gov/*.

**SUPPLEMENTARY INFORMATION:** CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions

from the public and affected agencies should address one or more of the following four points: (1) 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; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to 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. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

### **Overview of This Information Collection**

**Title:** Commercial Invoice.

**OMB Number:** 1651-0090.

**Form Number:** None.

**Current Actions:** This submission is being made to extend the expiration date with no change to the burden hours or to the information collected.

**Type of Review:** Extension (without change).

**Affected Public:** Businesses.

**Abstract:** The collection of the commercial invoice is necessary for conducting adequate examination of merchandise and determination of the duties due on imported merchandise as required by 19 U.S.C. 1481 and 1484 and by 19 CFR 141.81, 141.82, 141.83, 141.84, 141.85, 141.86, 141.87, 141.88, 141.89, 141.90, 141.91, and 141.92 . A commercial invoice is presented to CBP by the importer for each shipment of merchandise at the time the entry summary is filed, subject to the conditions set forth in the CBP regulations. The information is used to ascertain the proper tariff classification and valuation of imported merchandise, as required by the Tariff Act of 1930. To facilitate trade, CBP did not develop a specific form for this information collection. Importers are allowed to use their existing invoices to comply with these regulations.

**Estimated Number of Respondents:** 38,500.

**Estimated Number of Annual Responses per Respondent:** 1,208.

**Estimated Number of Total Annual Responses:** 46,500,000.



**Estimated Time per Response:** 1 minute.

**Estimated Total Annual Burden Hours:** 744,000.

Dated: June 16, 2020.

SETH D. RENKEMA,  
*Branch Chief,*  
*Economic Impact Analysis Branch,*  
*U.S. Customs and Border Protection.*

[Published in the Federal Register, June 22, 2020 (85 FR 37467)]

## AGENCY INFORMATION COLLECTION ACTIVITIES:

### Guam-CNMI Visa Waiver Information

**AGENCY:** U.S. Customs and Border Protection (CBP), Department of Homeland Security.

**ACTION:** 60-Day notice and request for comments; extension of an existing collection of information.

**SUMMARY:** The Department of Homeland Security, U.S. Customs and Border Protection 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted (no later than August 21, 2020) to be assured of consideration.

**ADDRESSES:** Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651-0109 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: *CBP\_PRA@cbp.dhs.gov*.

(2) *Mail.* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229-1177.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229-1177, Telephone number 202-325-0056 or via email *CBP\_PRA@cbp.dhs.gov*. Please note that the contact information provided here is solely for questions regard-

ing this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP website at <https://www.cbp.gov/>.

**SUPPLEMENTARY INFORMATION:** CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) 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; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to 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. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

### Overview of This Information Collection

**Title:** Guam-CNMI Visa Waiver Information.

**OMB Number:** 1651-0109.

**Form Number:** I-736.

**Current Actions:** Renewal.

**Type of Review:** Extension/Revision (with change).

**Affected Public:** Individuals.

**Abstract:** Public Law 110-229 provides for certain aliens to be exempt from the nonimmigrant visa requirement if seeking entry into Guam or the Commonwealth of the Northern Mariana Islands (CNMI) as a visitor for a maximum stay of 45 days, provided that no potential threat exists to the welfare, safety, or security of the United States, or its territories, and other criteria are met. Upon arrival at the Guam or CNMI Ports-of-Entry, each applicant for admission presents a completed Form I-736 to CBP, which collects information about the applicant's identity and travel documents.

Several elements have been added to the Form I-736. Updates are necessary to be able to automate Form I-736, Guam-CNMI Visa Waiver Information that is use in compliance with the Guam-CNMI Visa Waiver Program. The new data elements are: the foreign passport type, social media identifier, valid email address, and social media provider/platform. The automation will facilitate CBP to gather information on travelers from Guam-CNMI Visa Waiver Program countries to determine their admissibility to enter Guam or the CNMI. In addition, CBP intends to migrate from paper I-736 to a mandatory automated environment; therefore, the collection of a paper form will no longer be acceptable. However, after the regulation implementing mandatory automation is published, CBP will grant a transition period of three months to facilitate travelers adjusting to the new collection method. At the end of the transition period, the paper I-736 form will become obsolete and travelers must input and submit in advance their personal information and respond to the eligibility questions using the new electronic format. The travelers' information is pre-screened or vetted against law enforcement databases. Based on the results of the pre-screening, the application is approved or denied. The system generates a board or no board status message to the carrier indicating a denied or approved authorization to board before the flight. The applicant also receives a message with the application status: approved, denied, canceled or pending. All information will be saved in the newly created Guam-CNMI Visa Waiver Program database.

**Estimated Number of Respondents:** 1,560,000.

**Estimated Number of Annual Responses per Respondent:** 1.

**Estimated Number of Total Annual Responses:** 1,560,000.

**Estimated Time per Response:** 19 minutes (0.316 hours).

**Estimated Total Annual Burden Hours:** 492,960.

Dated: June 16, 2020.

SETH D. RENKEMA,  
*Branch Chief,*  
*Economic Impact Analysis Branch,*  
*U.S. Customs and Border Protection.*

[Published in the Federal Register, June 22, 2020 (85 FR 37466)]