



FEDERAL MARITIME COMMISSION
Competition and Integrity
for America's Ocean Supply Chain

Federal Maritime Commission
800 North Capitol St. NW
Washington, DC 20573

DATE: September 21, 2020

April 6, 2023

Mr. Pete Flores
Executive Assistant Commissioner
Office of Field Operations
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

Ms. AnnMarie R. Highsmith
Executive Assistant Commissioner
Office of Trade
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

Dear Mr. Flores and Ms. Highsmith:

I am writing to alert each of you to the potential unintended consequence of supply chain disruptions resulting from the enforcement of the Uyghur Forced Labor Protection Act (UFLPA).

Over the past two years, I have led the Maritime Transportation Data Initiative that has focused on harmonizing data exchange on freight movement within the supply chain to achieve greater cargo fluidity. As part of my work, I convened 18 public meetings with over 80 supply chain experts, including the U.S. Customs and Border Protection (CBP). A large part of this initiative includes bringing private sector and public sector entities together to address complex and industry-sensitive operational issues.

I commend CBP for its work meeting its statutorily mandated responsibility of preventing products mined or produced, wholly or in part, with forced labor from entering the U.S. Using forced labor in the production of goods entering international trade is morally reprehensible and must be stopped. However, legitimate delays in ensuring compliance with UFLPA might create cargo back-ups at U.S. marine terminals leading to operational challenges and potentially congestion. The supply chain is only now beginning to recover from two years of pandemic-related disruption. Accordingly, I would urge you to consider the following proposals to help ensure the continued efficient and fluid movement of containerized cargo:



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1. CBP should consider implementing uniform procedures for securing and storing products detained under the UFLPA. Some CBP Field Operation Offices permit containers to be moved to a bonded warehouse and devanned, while other field offices require the containers to remain at the port, and still others instruct importers to move the containers to a Centralized Examination Station (CES) where they must remain intact. This lack of consistency is causing delays in the supply chain. Further, the potential use of marine terminals as inspection sites could cause delays and wider congestion-related loss. Harmonized procedures for handling products detained under the UFLPA would help expedite the review process.
2. CBP should relocate detained products to either bonded warehouses or to CES facilities where products can be stored in climate-controlled environments with proper safety, security, and emergency response measures in place. CBP should also communicate expeditiously with the owners of the detained product to understand the commodity's storage requirements.
3. To facilitate harmonization, CBP should distribute guidance to port authorities, relevant transportation and security agencies, and importers on how future UFLPA-detained shipments will be handled.

Implementing these measures would help reduce administrative costs to CBP, reduce detention costs to importers. Beyond preserving port-efficiency, implementing these measures would further CBP's efforts to enforce the UFLPA while also reducing administrative costs to the agency and detention costs to importers.

I sincerely appreciate everything CBP does to enhance our Nation's security and your vital role in facilitating legitimate trade. I appreciate your attention to this important matter and look forward to your response.

Respectfully,

Carl W. Bentzel
Commissioner
Federal Maritime Commission

cc:
Therese Randazzo
Director, Forced Labor Division
U.S. Customs and Border Protection