

NEWS IN BRIEF

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CBP is Issuing “Known Importer” Letters in Advance of UFLPA

U.S. Customs and Border Patrol (CBP) has started to send out letters to importers who are identified as possibly having previously imported goods that may be subject to enforcement under the Uyghur Forced Labor Act (UFLPA) which will become effective on June 21, 2022.

Under UFLPA, there is a presumption that any goods from Xinjiang Uyghur used forced labor in the production of the goods. These letters are to advise that products that had been brought in prior to the June 21 enforcement will be stopped if imported on or after June 21. The intent of the letter is to encourage those importers to review their supply chain on any purchases made in the Xinjiang Uyghur area to confirm that they are free of forced labor.

For those importers that do not receive such a letter, they should take heed and do additional reviews that none of their products have any material made in the Xinjiang Uyghur Autonomous Region or underwent work in that area. While we are all waiting for the final instructions from CBP, these letters from CBP are a reminder that the rules on the supply chain reviews have newer and additional rules in dealing with the UFLPA.

Importers need to understand that the current forced labor requirements do not change. The WRO enforcement is based on a suspicion that the goods are subject to a Withhold Release Order. UFLPA enforcement is based on a presumption that the goods were made in or worked on in the Xinjiang Uyghur area.

FMC Investigation Leads to Fines for Hapag-Lloyd for Incorrect Demurrage and Detention Charges

The Federal Maritime Commission’s (FMC) Enforcement branch finished an investigation of Hapag Lloyd violating the FMC guidelines by

charging excessive detention on the return of containers. This is the first investigation completed by the FMC dealing with the detention and demurrage guidelines issued by FMC in May of 2020. Hapag-Lloyd was ordered by an administrative judge to pay \$822,220.

FMC has Released a Video on filing Complaints with the Agency

The Federal Maritime Commission (FMC) has released a video that instructs shippers, importers, and any other Beneficial Cargo owner (BCO) how to file a complaint with the FMC. This video explains the three levels of complaints and gives examples for BCO’s with explanations on what can be done by the FMC on the three different levels to help BCO’s decide which format to use in the filing of their complaint. It has 3 segments dealing with each complaint process showing how each one progresses and the potential outcomes. The video can be found on the FMC [website](#).

CBP Releases Videos on Using the ACE Portal

U.S. Customs and Border Protection (CBP) has been working on the modernization of ACE Portal. They have issued a CSMS message with links to four videos to help the members of the trade use the portal. These videos include assistance on getting started in ACE and useful information for experienced users. CSMS #51674652 can be found [here](#).



By **Todd Boice**, *President*