

The Honorable Kristi Noem
Secretary
Department of Homeland Security
Washington, DC 20528

The Honorable Rodney Scott
Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Ave. NW
Washington, DC 20004

June 27, 2025

RE: IEEPA Tariffs FAQ – In-Transit Provision and Relay Vessels

Dear Secretary Noem and Commissioner Scott,

On behalf of the undersigned trade associations representing American importers, exporters, transportation providers, and other supply chain stakeholders, we write you to urge the administration to engage with supply chain stakeholders to address questions and concerns regarding ongoing challenges with the interpretation of the “in-transit” reciprocal tariff exclusion to date. While we appreciate the guidance provided by U.S. Customs and Border Protection (“CBP”) thus far, we believe that there are outstanding questions regarding how relay vessels are addressed which continue to create confusion and disruption to supply chains.

We have witnessed differing and sometimes contradictory responses to trade questions and engagement, as well as lack of clarity during the initial rollout, and this has created confusion and harm to U.S. companies. We know this is the opposite effect of the Administration’s ‘America First’ trade agenda. The trade community needs clarification regarding loading and lading of cargo at foreign ports to avoid increased costs and administrative burdens for both the trade community and CBP, along with avoiding supply chain disruptions. Better and clearer guidance also supports better compliance and allows CBP to focus on its enforcement efforts. We urge the Administration to conform to trade norms that loading is loading on any vessel for the purpose of duty assessment. The transference of cargo from a relay vessel to a larger ocean-faring vessel has neither historically been nor should it currently be a dutiable event.

CBP’s Informed Compliance Publication (“ICP”) Bona Fide Sales and Sale for Exportation, which is underlined by scores of rulings, likewise supports the notion that in-transit eligibility should be based on the initial country of loading and export. In this ICP, which was issued several decades ago, CBP expressed its position that transaction value requires a sale for exportation to the United States. For an importer to establish that merchandise was clearly destined for exportation to the United States, CBP requires a complete paper trail that demonstrates the only possible destination for the imported merchandise was the United States. This particularly is the case when goods

are originally purchased and exported from a country other than the country of immediate export to the United States. Numerous CBP rulings clarify that CBP relies on documentary evidence, such as invoices, purchase orders, and/or bills of lading, when confirming that the ultimate destination for goods always was the United States and there was never a contingency of diversion. The sale for exportation standard is consistent with and supports the finding that relay vessels originating in the initial country of export should meet the in-transit exception and eligibility should be based on the initial country of loading and export.

We support the hard work that CBP, the Department of Homeland Security (“DHS”), and the Administration have put into guidance for the trade community over the past few months, and we seek this additional ‘urgently critical’ guidance as companies continue to map out their importation schedules for vital commodities, including inputs for U.S. manufacturers.

An additional request from the trade community is to receive consistent notices through traditional channels of communication (“CSMS messages”) as soon as new information is posted regarding IEEPA FAQs to ensure maximum compliance and support CBP enforcement efforts. With the proliferation of communication channels, it is vital for the trade community to have one consistent and reliable repository of information regarding updates and changes to trade practices, policies, and procedures. And, when current guidance and FAQs are updated, a tracked changes version of the guidance or some other indication that clearly highlights the updates and changes are necessary to ensure that everyone is properly receiving the same information at the same time.

Finally, we ask the Administration to remove CBP and DHS non-uniform personnel from the DOGE government reduction plan. These personnel are critical for the successful planning and execution of ongoing tariff changes and enforcement. The U.S. Government and, for that matter, our nation needs every government employee who touches trade to remain at their current desk and conducting their vital work for the benefit of the American economy.

We thank you for your attention to these important matters.

CC: Senate Finance Committee Chairman Michael Crapo
Senate Finance Committee Ranking Member Ron Wyden
House Ways and Means Committee Chairman Jason Smith
House Ways and Means Committee Ranking Member Richard Neal

List of Trade Associations

Accessories Council
Air-Conditioning, Heating, and Refrigeration Institute
Airforwarders Association
Alliance for Chemical Distribution (ACD)
AmericanHort
American Apparel & Footwear Association (AAFA)

American Cotton Shippers Association
American Down and Feather Council
American Herbal Products Association
American Home Furnishings Alliance
American Logistics Association
American Pyrotechnics Association
American Spice Trade Association
Association of Food Industries
Aquaculture Suppliers Association
BCBFFA (Boston Custom Brokers & Freight Forwarders Association)
Business Alliance for Customs Modernization
California Retailers Association
California Walnut Commission (CWC)
Can Manufacturers Institute
CAWA - Representing the Auto Parts Industry
CCBFA- Chicago Customs Brokers and Forwarders Association
Color Pigments Manufacturers Association
Columbia River Customs Brokers and Forwarders Association (CRCBFA)
CTA
Columbia River Steamship Operators' Association, Inc.
Customs Broker and Freight Forwarders Association of Northern California
Customs Brokers & International Freight Forwarders Association of Washington State
Detroit Customs Brokers and Forwarders Association
Exhibitions & Conferences Alliance (ECA)
Fashion Accessories Shipper Association
Florida Retail Federation
FMI – the Food Industry Association
Gemini Shippers Association
Georgia Retailers
Green Coffee Association
Green Coffee Association of NY
Greenabl Shippers Association
Halloween & Costume Association (HCA)
Home Fashion Products Association
Household & Commercial Products Association
Houston Customs Brokers and Freight Forwarders Association (HCBFFA)
Idaho Grain Producers Association
Idaho Retailers Association
International Association of Exhibitions and Events
Independent Freight Forwarders & Customs Brokers Association of Savannah, Inc.
International Freight Forwarders & Customs Brokers Association of New Orleans
International Fresh Produce Association
International Housewares Association
International Housewares Shippers Association (IHSA)
International Wood Products Association
IRMA

JFK Brokers Association
Los Angeles Customs Brokers & Freight Forwarders Association
Meat Imports Council of America
Mid-Valley Customs Brokers Association
Missouri Retailers Association
NAFTZ-National Association of Foreign-Trade Zones
National Aquaculture Association
National Association of Beverage Importers
National Association of Music Merchants
National Cotton Council
National Customs Brokers and Forwarders Association of America (NCBFAA)
National Fisheries Institute
National Industrial Transportation League (NITL)
National Pork Producers Council (NPPC)
National Retail Federation
NCBFAA Shippers Association (NCBFAASA)
National Sporting Goods Association
New York New Jersey Foreign Freight Forwarders and Brokers Association Inc.
North American Association of Food Equipment Manufacturers (NAFEM)
Northern Border Customs Brokers Association (NBCBA)
NTCBFFA- North Texas Customs Brokers and Freight Forwards Association
Pacific Coast Council of Customs Brokers and Freight Forwarders Association Inc.,
(PCC)
Pennsylvania Landscape & Nursery Association
Personal Care Products
Philadelphia Customs Brokers and Forwarders Association
PPAI
PRINTING United Alliance
Retail Industry Leaders Association
Retail Merchants of Hawaii
San Diego Customs Brokers Association
Tea Association of the U.S.A., Inc.
Texas Grain & Feed Association
The Distilled Spirits Council of the U.S.
The Fashion Jewelry and Accessories Trade Association
Toy Association
Toy Shippers Association (TOYSA)
Travel Goods Association (TGA)
UFI - The Global Association of the Exhibition Industry
United States Fashion Industry Association
Washington Dulles Cargo Association
West Virginia Forestry Association
Wyoming Mining Association