

FMC Proposed Rule – Docket 2022 – 0066: DRAFT Comparison of Comments on
 Party to be Invoiced and Timelines for Invoice Delivery, Contest, Review
Subject to Review by the Commentators

Company/Organization Comments	Party to be Billed and Liable for Payment of D&D	Timeline
AgTC/ Comments	Contracted parties + this “Proposed Provision” *: <p>“The Contracted parties may make arrangements for a customs broker, trucker, forwarder, consignee, bill-paying service or other intermediary/service provider to receive or access, pay or contest demurrage and detention invoices on their behalf, <u>contingent on such designation being accepted by such intermediary, as memorialized either in writing or electronically.</u> Further, imposing liability for these charges on the intermediary, or allowing the intermediary to be penalized for nonpayment of charges is prohibited.”</p>	Support 30 days
Shippers Coalition/ Comments	Contracted parties	Support 30 days
International Dairy Foods Assoc./ Comments	Contracted parties	Support 30 days
California Trucking Assoc./ Comments	Contracted parties	Support 30 days
American Association of Exporters and Importers/ Comments	Contracted parties	Support 30 days
Meat Import Council of America/ American Meat Institute/ Comments	Contracted parties	Support 30 days
Harbor Trucking Assoc./ Comments	Contracted parties	Support 30 days
Virginia Trucking Assoc./ Comments	Contracted parties	Support 30 days
FIATA- International Federation of Freight Forwarders' Assocs. /Comments	Contracted parties	Support 30 days

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Pacific Coast Council of Customs Brokers and Freight Forwarders/ Comments	Contracted parties + “Proposed Provision” *	Support 30 days
National Association of Beverage Importers/ Comments	Contracted parties	Supports 30 days but recommends that both 30-day periods be subject to a single extension request of a second 30-day period
National Customs Brokers and Freight Forwarders Assoc./ Comments	Contracted parties, although consignees/ third parties to receive copies of invoices, with flexibility to accept invoices but may not be held liable (generally similar to “Proposed Provision” *)	Want NVOCCs to have a separate 30 day timeline
International Housewares Assoc./ Comments	Contracted parties	Supports 30 days
New York New Jersey Foreign Freight Forwarders & Brokers Assoc./ Comments	Contracted parties	Supports 30 days but would like 30-day clock for a VOCC receipt of a dispute must be extended to accommodate the request if the dispute was raised within the proper timelines from the final party billed. This should also be allowed for the timeline of 30 days for the response to the disputed charge. These timelines do not allow for mutual agreement to have them extended by both parties in the attempt to find a resolution. Either billing or billed person may need more time to provide documentation that could be dependent upon third parties. If both agree to extend the timeline, it should be allowed.
National Fisheries Institute/ Comments	Contracted parties	30 days is too long, want 10 days
Intermodal Motor Carriers Conference (American Trucking Assoc.)/ Comments	Contracted parties	Support 30 days

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USDEC/NMPF/ Comments	Contracted parties + may designate alternate entity to be the recipient of D+D invoices, subject to the approval by that alternate invoice recipient.[very similar to “Proposed Revision” *	Would like 45-60 days
World Shipping Council (ocean carriers)/ Comments	Against only billing contracted parties	Against 30 days
National Retail Federation/ Comments	Against only billing contracted parties	Concerned about only 30 days
National Industrial Transportation League/ Comments	Against only billing contracted parties	Against 30 days

“Proposed Provision” for the Rule:

- The billed party may make arrangements for their customs broker, trucker, forwarder, consignee, bill-paying service or other intermediary/service provider to receive or access, pay or contest demurrage and detention invoices on their behalf, contingent on such designation being accepted by such intermediary, as memorialized either in writing or electronically.
- Further, imposing liability for these charges on the intermediary, or allowing the intermediary to be penalized for nonpayment of charges is prohibited.