

Congress of the United States
Washington, DC 20515

March 9, 2021

The Honorable Michael A. Khouri
Chairman
Federal Maritime Commission
800 North Capitol Street, N.W.
Washington, DC 20573

Dear Chairman Khouri:

We are writing you today to share our mounting concern over reports that certain vessel-operating common carriers (VOCCs) are declining to ship U.S. agricultural commodity exports from our ports. These VOCCs serve as an integral link between American producers and overseas customers, without which contracts cannot be met and the ability to compete in or even access foreign markets is threatened. We appreciate the steps already taken by the Federal Maritime Commission to investigate these alarming reports and urge the Commission to resolve this matter. In the meantime, we call on the Commission to provide monthly updates to Congress until the matter is resolved.

Over the past year, American producers, exporters, and entire economic sectors have grappled with widespread delays, bottlenecks, and increasing fees at our ports. These challenges are exacerbated by reports that VOCCs are delivering shipments to U.S. ports and then electing to leave without refilling empty containers with American goods for export. Such activity constricts entire supply chains and propels trade to move only in an inbound direction. These conditions are unsustainable for exporters, put significant strain on the U.S. economy, and simply unacceptable.

The American agricultural sector, in particular, stands to be hit hard by the delays, congestion, and the reported discriminatory practices by VOCCs. With more than 20 percent of U.S. agricultural production aimed for export, reaching foreign markets is essential to American producers and the viability of our agricultural sector at large. It is cost prohibitive for producers of these agricultural commodities, particularly perishable products, to use alternative methods to fulfill overseas contracts in a dependable and affordable manner. Should it be found that VOCCs are predatory or unreasonable in refusing to export these American agricultural products or imposing unreasonable fees, they must be held accountable by the Commission for the harm they are causing our producers.

We appreciate and support Fact Finding No. 29, “International Ocean Transportation Supply Chain Engagement,” launched by the Commission in March 2020, as well as its expansion in November 2020 to include reports of the practices listed above by certain VOCCs. As the nation and world grapples with the ongoing effects of the COVID-19 pandemic, it is essential that port operators and VOCCs honor their responsibilities and adhere to the laws that govern their roles in the global economy. Continued and largely unrestricted access to American ports means trade

opportunities should be reciprocal. Should the investigation reveal any wrongdoing, we urge the Commission to take appropriate enforcement actions to end such practices swiftly and decisively.

Thank you for your attention to this urgent matter and for considering our views. Time is a critical factor and we urge the Commission to expedite its fact finding and consideration of enforcement options. We look forward to the Commission providing monthly updates as Fact Finding No. 29 and other related Commission efforts progress.

Sincerely,

Adrian Smith
Member of Congress

Jim Costa
Member of Congress

Rodney Davis
Member of Congress

John Garamendi
Member of Congress

Dusty Johnson
Member of Congress

Jimmy Panetta
Member of Congress

Troy Nehls
Member of Congress

Mike Thompson
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Kevin McCarthy
House Republican Leader

Sam Graves
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Glenn 'GT' Thompson
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Sanford Bishop
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Eric A. 'Rick' Crawford
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Stacey E. Plaskett
Member of Congress

Abigail D. Spanberger
Member of Congress

Cc: The Honorable Rebecca F. Dye, Commissioner, Federal Maritime Commission
The Honorable Daniel B. Maffei, Commissioner, Federal Maritime Commission
The Honorable Louis E. Sola, Commissioner, Federal Maritime Commission
The Honorable Carl W. Bentzel, Commissioner, Federal Maritime Commission