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,

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Adrian Smith
Member of Congress

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Jim Costa
Member of Congress

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Rodney Davis
Member of Congress

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John Garamendi
Member of Congress

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Dusty Johnson
Member of Congress

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Jimmy Panetta
Member of Congress

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Troy E. Nehls
Member of Congress

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Mike Thompson
Member of Congress

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Kevin McCarthy
House Republican Leader

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Sam Graves
Member of Congress

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David Scott
Member of Congress

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Glenn ‘GT’ Thompson
Member of Congress
A. Drew Ferguson, IV  
Member of Congress

Lloyd Smucker  
Member of Congress

Steve Womack  
Member of Congress

Ashley Hinson  
Member of Congress

Devin Nunes  
Member of Congress

Julia Brownley  
Member of Congress

Tom Reed  
Member of Congress

Russ Fulcher  
Member of Congress

Chris Jacobs  
Member of Congress

Dan Meuser  
Member of Congress

Josh Harder  
Member of Congress

W. Gregory Steube  
Member of Congress

Trent Kelly  
Member of Congress

Troy Balderson  
Member of Congress

Cathy McMorris Rodgers  
Member of Congress

Tom O’Halleran  
Member of Congress
Jim Banks
Member of Congress

Vicky Hartzler
Member of Congress

Brian Fitzpatrick
Member of Congress

Angie Craig
Member of Congress

Ken Calvert
Member of Congress

Anthony Gonzalez
Member of Congress

Andy Harris, M.D.
Member of Congress

Ro Khanna
Member of Congress

Tracey Mann
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John Katko
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Markwayne Mullin
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James Comer
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Jack Bergman  
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Barbara Lee  
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Antonio Delgado  
Member of Congress

Ben Cline  
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Randy K. Weber  
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Derek Kilmer  
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Bob Gibbs  
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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