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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <http://commerce.senate.gov>

September 5, 2017

The Honorable Michael Khouri
Acting Chairman
Federal Maritime Commission
800 North Capitol Street Northwest
Washington, D.C. 20573

Dear Mr. Khouri:

I write to you regarding the petition filed by the Coalition for Fair Port Practices concerning “just and reasonable regulations and practices” for detention and demurrage charges assessed by marine terminals in the United States and all vessel operating common carriers that serve these marine terminals. It is my understanding that the Commission is still formulating its plans for further action. Given the issues raised in the unusually high number of comments on this petition, it is important that the Commission prioritize this issue and determine whether any further action is needed to foster a fair, efficient, and reliable ocean transportation system.

As you know, the swift movement of goods through our Nation’s ports is essential to the efficiency of our global supply chains. Businesses and households in South Dakota and across the country depend upon ocean transportation services for exported and imported products. Agricultural producers, manufacturers, retailers, and transportation service providers have questioned the fairness of detention and demurrage charges in situations involving port congestion and other circumstances. They assert that such charges have implications for one of the Commission’s critical responsibilities – to ensure a common carrier or marine terminal operator does not fail to establish, observe, and enforce just and reasonable regulations and practices when receiving, handling, storing, or delivering property.

I urge you and the Commission to prioritize this issue, and I ask that you analyze the many submitted comments, engage with affected stakeholders, and – as warranted by the analysis and engagement – consider further action to resolve on-going concerns. Please keep me informed on your plans for further action on this issue.

Thank you for your consideration of this request, and thank you for your continued leadership to advance an efficient and competitive transportation system. If your staff have any questions, please have them contact Chance Costello at (202) 224-2361. I look forward to working with you to address this important issue.

Sincerely,



JOHN THUNE
Chairman

CC: The Honorable Bill Nelson, Ranking Member
The Honorable Rebecca A. Dye
The Honorable William P. Doyle
The Honorable Daniel B. Maffei