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Congress of the United States 58
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Washington, DC 20515
September 30, 2003

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The Honorable Bryant L. Van Brakle
Secretary
Federal Maritime Commission
800 North Capitol Street, N.W.
Room 1046
Washington, D.C. 20573

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Dear Secretary Van Brakle:

I understand that the National Customs Brokers and Forwarders Association of America has requested the Commission to exempt non-vessel operating common carriers (NVOCCs) from being required to establish, maintain, and enforce rate tariffs with their customers. I encourage you to closely investigate this request and follow the changes that were made by Congress in the Ocean Shipping Reform Act (OSRA) of 1998.

During consideration of OSRA, Congress was concerned about the economic regulation of the open ocean shipping industry. Congress ultimately concluded that the rigid system of common carrier tariffs was burdensome and inefficient and that shippers should be able to enter into confidential service contracts with steamship lines. Based on the Commission's report, these revisions to the Shipping Act have now proven to be beneficial to shippers and carriers alike and have made the ocean-shipping marketplace far more efficient and competitive. In fact, it now appears that the movement to contract carriage has been so successful that few shippers, carriers, and NVOCCs ever look at or otherwise use common carrier tariffs as a means to establish pricing for the movement of cargo.

Congress also expanded the Commission's exemption authority to provide a mechanism by which it could exempt individual companies or the industry as a whole from unnecessary regulatory requirements. It appears that NVOCC rate tariffs are unduly burdensome and no longer serve a useful purpose since the rates between those entities and their customers normally are individually negotiated and only later memorialized in tariff form. Please consider exempting the NVOCCs from this largely formalistic requirement.

I also understand that several NVOCCs have filed petitions, seeking an exemption that would permit them to enter into confidential ocean service contracts with their customers. While I believe that each petition should be judged on its own merits, I encourage you to give each of these petitions your fullest consideration.

Thank you **for your** work, **and** please contact me or have your **staff** contact my Legislative Director, **Jayda Justus**, at 202-225-1976 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sue", with a long horizontal flourish extending to the right.

Sue Myrick
Member of Congress

SM/jj