

**SUE MYRICK**  
 9TH DISTRICT, NORTH CAROLINA  
 COMMITTEES:  
 RULES  
 SUBCOMMITTEE ON  
 LEGISLATIVE AND BUDGET PROCESS  
 FINANCIAL SERVICES  
 (ON LEAVE)  
 E-MAIL: myrick@mail.house.gov  
 WEBSITE: http://www.house.gov/myrick



RECEIVED

03 OCT 2 PM 4 58  
 Congress of the United States

House of Representatives

Washington, DC 20515  
 September 30, 2003

- 230 CANNON HOUSE OFFICE BUILDING  
 WASHINGTON, DC 20515  
 1202122-1376  
 FAX (202) 225-3389
- DISTRICT OFFICES
- 8525 MORRISON BOULEVARD  
 SUITE 402  
 CHARLOTTE, NC 26211  
 (704) 362-1060  
 FAX (704) 367-0852
- 318 SOUTH STREET  
 SUITE B  
 GASTONIA, NC 28052  
 (704) 661-976  
 FAX (704) 864-2445

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

P3-03  
 P5-03  
 P7-03  
 P8-03  
 P9-03

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 202-225-1 976 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sue My", is written over a large, solid black rectangular redaction mark.

Sue My  
Member of Congress

SM/jj