

Congress of the United States
Washington, DC 20515

June 10, 2010

Karen V. Gregory, Secretary
 Federal Maritime Commission
 800 North Capitol Street, NW
 Washington, DC 20573



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**Re: FMC Docket No. 10-03;
NVOCC Negotiated Rate Arrangements**

Dear Ms. Gregory:

We write to ask that the Federal Maritime Commission ("FMC" or "Commission") accept my comments in response to the proposed rule in Docket No. 10-03 (NVOCC Negotiated Rate Arrangements). We understand that comments on the proposed rule were to have been submitted by Friday, June 4, 2010; we, therefore, ask that the Commission take leave and consider our comments in this important matter.

As the FMC is well aware, the Ocean Shipping Reform Act of 1998 ("OSRA") represents over 5 years of congressional deliberations, examination and compromise among all sectors of the ocean transportation industry. Further, OSRA reflects Congress' intent in further deregulating the industry and the introduction of more market-focused regulatory oversight by the Commission. As a general observation, while we appreciate the FMC's consideration of additional deregulatory measures, the issue of tariff publication, disclosure and adherence (for all types of carriers, including both vessel-operating and NVOCCs) is firmly established in the governing statute, the Shipping Act, as amended by OSRA. It is our opinion that any changes to those requirements must reflect further consideration and specific legislative action by Congress.

All aspects of the Shipping Act of 1984 were carefully reviewed by Congress in the 1990s. OSRA is the by-product of years of work on how best to fine-tune the Shipping Act. We believe that Congress was clear in that the exemption authority granted to the FMC was to be utilized only when there is a situation where congressional deliberations are silent – and that the exemption process would be used by the agency to advance regulatory reform that does not conflict with the underlying statutory basis.

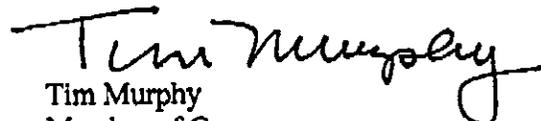
In the case of tariff publication, Congress carefully examined how best to introduce a more relaxed set of regulatory requirements, while preserving public disclosure of rate information (for both the shipping public and the regulators' consideration). The paradigm shift from filing rates (a decades-long approach) to the publication of rates (via emerging electronic technologies, such as the Internet) illustrates Congress' intent to provide the public and industry with a relaxed regulatory environment, while enabling the industry to embrace a less-rigid set of regulatory demands and administrative burdens.

We believe that the Federal Maritime Commission might be over-reaching in this rulemaking, where Congress has clearly articulated the framework in which the agency is to function and regulate an industry. The FMC's proposed rule on NVOCC tariff exemption, should it be implemented, will be subject to scrutiny by stakeholders.

Thank you again for taking the time to consider our views on this important matter.

Sincerely,


Mike Doyle
Member of Congress


Tim Murphy
Member of Congress