

**Written Testimony of BOSSCO Trading LLC International Accounts Manger Alexis Jacobson, on  
behalf of US Forage Export Council, National Hay Association, and Agriculture Transportation**

**Coalition on**

**“Impacts of Shipping Container Shortages, Delays, and Increased Demand on the North  
American Supply Chain.”**

**House Committee on Transportation and Infrastructure Subcommittee on Coast Guard and  
Maritime Transportation**

**Tuesday, June 15, 2021**

## **Introduction:**

Thank you Mr. DeFazio for inviting me. I am presenting to you from our farm in Tangent, Oregon, specifically in the hay storage barn. Chairman Carbajal, Ranking Member Gibbs, and members of the committee, I appreciate the opportunity to discuss these issues facing agriculture exporters.

Today, I am representing the nation's hay producers – the largest volume containerized ag export cargo through West Coast ports, and it moves over all other coasts as well. In addition to the National Hay Association and the US Forage Export Council, I am representing all the members of the Agriculture Transportation Coalition—hay, seeds, almonds, beef, soybeans, fresh fruit, cotton, paper, and so on, located in every state. We are all struggling to survive the ocean shipping crisis, to get our product to foreign customers, and it is getting harder every day.

As the AgTC says: “there is nothing we produce in agriculture here in the US, that cannot be sourced elsewhere in the world. If we can't deliver it to our foreign customers, dependably and affordably, they will turn to other countries, and we lose those customers.” That is definitely true for forage. If we cannot meet our customers' demands, they will, and they have, sought out replacing our American forage with Australian forages instead.

The Federal government can help us – please give the FMC teeth to make carriers obey their demurrage and detention rule, make the FMC a resource to help us when dealing with the

ocean carriers, and encourage the carriers to carry our export cargo rather than depart with empty containers. Please consider the AgTC's proposals, which I am attaching to my testimony.

Now, I would like to give you a window into what an agriculture exporter is going through now, to get our products to our foreign customers. For true insight into the daily life of an exporter, I will outline each step of the process, from obtaining the commitment from the ocean carrier for our cargo to arrival at final destination. This will include what normal operation looks like, and what current operation status looks like.

### **Ocean Carrier Commitment**

#### ***Normal Operation:***

Similar to when purchasing a plane ticket, exporters ask ocean carriers for a commitment of a certain number of containers on a certain ocean vessel to a particular destination. We refer to these commitments as a "booking" or "bookings," and we utilize contracts with the ocean carriers to make the container space commitment. Our contract states the ocean freight price to get a container from a Port of Loading or Port of Receiving to the Port of Discharge.

Sometimes the Port of Receiving is different than the Port of Loading if your booking originates out of a container yard that will utilize the rail or a truck to get the container from one loading point to the final port of loading. For example, Port of Portland has the capacity for receiving export containers to load on the rail to be loaded onto a vessel in Seattle or Tacoma, and they also have the ability to load onto a vessel through their marine terminal.

Delivering our cargo by truck to a marine terminal at the Port of Loading is useful, as it can provide quicker transit from our plant, with less risk; but a rail container yard located closer to our plant allows for more flexibility for those of us further from the Port of Loading. To continue with the air travel example, using a rail terminal is like using a smaller airport to get to a bigger airport for your international flight. From Albany, Oregon, we could fly out of Eugene, Oregon's airport to go to bigger destinations, but it typically means a layover at a larger airport, like Portland, Oregon or Seattle, Washington. Layovers can be risky with plane rides because you may miss the next flight if something goes wrong or the schedule is too tight, and the same goes for containers leaving from a rail terminal to the marine terminal.

In normal operations, exporters are able to negotiate our prices and services depending on our needs and needs of the ocean carrier. We negotiate with the ocean carrier's sales staff.

Exporters rely on these negotiations to make the best decision for which carrier to use. When an exporter needs a booking, they can typically find something close to what the exporter and our overseas customer needs, and we only need to do this two to four weeks before the final date cargo can be received, often referred to as the "cut date" or "cutoff date."

***Operations during the Ocean Export Crisis:***

During the current Ocean Export Crisis, the American agricultural exporter has little to no negotiating power when it comes to our ocean carrier contracts and relationships. We are forced to be price takers, who are receiving no added benefits to our increased costs. Rates

have increased significantly in six short months, as ocean carriers have implemented “General Rate Increases” (GRIs) nearly every month and added new fees and surcharges.

Exporters and freight forwarders must book space commitments on vessels as soon as they “open,” otherwise the space is unlikely to be available. Most ocean carriers open vessels 6-8 weeks ahead. However, with the rapidly changing ocean freight prices, what may be the cheapest option today, could be your most expensive option in 6-8 weeks. In addition, ocean vessel on-time performance has been very unpredictable, meaning that the schedule shown in a vessel space commitment confirmation may very well be very incorrect as it approaches. The vessel space commitment does not guarantee that an ocean carrier will have empty containers available. We have to hold onto vessel space commitments as soon as they become available. This means we may not always have the cheapest ocean freight option available, may not have access to vessel space that matches the customer’s needs. Most orders end up delayed either due to vessel delay from previous or future calls, vessel delaying berth due to terminal congestion, or transshipment delay when a container is not directly shipped from loading port to destination.

Some ocean carriers limit export customers on how much vessel space they can have either per vessel or per week, and they will not budge on these limits. If a customer needs 7 containers on a vessel, but our allocation is only 5 containers, we will have to either reduce our order or ship 5 containers on one vessel and 2 containers on another vessel, adding extra import fees to the overseas customer.

As much as the vessel space commitment should reserve space on a vessel, we have learned it does not guarantee that the ocean carrier holds the space for an export. There is a chance the ocean carrier could cancel the booking, and we may not find out until one week before containers are supposed to be turned into the marine terminal gate. Sometimes, we receive advance notice; however, sometimes, we don't find out until the trucker has begun to pick up containers for the order.

These days, a carrier's vessel space commitment does not guarantee that all containers will sail on the same vessel. Particularly an issue when shipping to Port of Loading via rail, if an order or some containers in an order do not make it to the Port of Loading in time, the ocean carrier will delay the order to the next vessel or split the order to the original vessel and the late containers to a new vessel. A split booking is costly to overseas customers, as they will have to pay for extra documentation fees and extra import fees. While split bookings occurred seasonally during normal years, the ocean export crisis has drastically increased their occurrence, as marine terminals are congested with import containers and there are fewer rail services to move containers from the terminals.

### **Trucking & Containerization of Product:**

#### ***Normal Operations:***

Within 10-14 days of the last day containers can be turned into the marine terminal, an exporter arranges trucking. It requires verifying information with all three parties -- the ocean

carrier, the terminal, and the exporter -- before arranging a pick-up of an empty container, loading the container with our hay, and returning the container to the marine terminal. Shippers must repeatedly verify this information to check for any vessel delays and ensure final customer approval of the details. A booking must be released for pickup before a trucker can begin to get containers under its confirmation.

Inland rail terminals typically have the most limitations on available empty container equipment for exporters, so it is not unusual that container shortages to happen throughout the year. However, it ebbs and flows with a normal import season. As empty import containers are returned after big shopping holidays, like Christmas, typically more become available.

Once a trucker picks up a container under a vessel commitment booking for an exporter, they will get the container loaded and wait for the approved first day to return the container to the terminal, also known as the earliest return date (ERD). If containers are returned before the ERD, the exporter or trucker can be penalized with costs. These costs are known as demurrage charges, which are imposed if a container is in the terminal longer than the contracted free number of days. In contrast, if a trucker picks up a container too early, they can receive detention charges if the container is not returned to the terminal before detention 'free days' expire.

### ***Operations during the Ocean Export Crisis:***

Today there is no predictability, continual changes and confusion. Truckers are still verifying information on earliest days to return and final day containers can be returned with the parties as mentioned above; however, these verifications must be made constantly, as the information is constantly changing. It takes much more time to verify this information, and frequently these changes to the return dates happen even after the first day to return containers. This means containers could already be on the terminal dock, waiting to load, when the carrier changes the return date, leading to the exporter receiving demurrage charges.

As export customers are left with minimal vessel space commitment, the ocean carriers also leave them with few empty containers for export. Ocean carriers often send containers back on vessels empty to allow for a quicker turn around for more import cargo back to the United States. They chose to cancel or deny export bookings to favor those empty containers away from the United States. As a result, truck drivers tend to spend much more time in the terminals due to congestion or lack of empty export containers. Truckers then have to charge export customers with wait time charges for the extra time spent in the terminal. These charges add up quickly, with additional truck fees if the driver cannot pick an empty container due to lack of equipment or terminal congestion. With inconsistent vessel arrival schedules, increasing vessel voids, and overall hassle of container shipping, some trucking companies are having to rely on diversification of their business to other trucking opportunities in order to keep truck drivers busy.



Despite complying with the free time limit an exporter has in their contract for holding a container outside the terminal and returning a container to the terminal, export customers and drayage truckers are constantly receiving incorrect invoices from the ocean carriers for detention or demurrage charges. Some exporters have invoices like this to fight daily, and it takes weeks to resolve. Smaller exporters, like ourselves, see these invoices almost weekly. Exporters and truckers are forced to fight or pay these invoices, or there is a chance the customer overseas will not be able to pick up their cargo.

**Customer Satisfaction:**

Despite best efforts to make schedules, the ocean carriers make it very difficult to keep our customers satisfied. As a result of the challenges mentioned above, many exporters are forced to focus on the absolute minimum needs of their customers, because that is the only vessel space commitment we can consistently find. It is very difficult to begin any new export business, unless you are able to give up a long-term customer's needs.

Shipments along the West Coast were extremely delayed for anything shipped between December and late February. Many of our shipments during that time arrived to our overseas customers at the same time as some of our March orders, creating huge inventories for them. In the United States, many of our farmers are able to store product in large storage barns. However, in many of the forage destinations, they do not have access for large storage barns. Customers only order what they need because they do not have the warehouse storage space for anything additional.

They had to work through that inventory before ordering more hay. The result was that overseas customers reduced their orders, and we and other hay exporters lost export business. This was all through no fault of our own, and no fault of our customers, but it illustrates how the US exporter is being hurt by the ocean shipping delays and unpredictability.

### **Solutions:**

1. Amend the Shipping Act to allow for much better Federal Maritime Commission enforcement of the detention and demurrage rules and other “unreasonable” acts.
2. Amend the Shipping Act to encourage ocean carriers to maintain carriage of American exports.
3. Encourage US Terminals to operate additional hours to work through the terminal congestion with ocean carriers paying the additional marine terminal fees associated.

### **Conclusion**

There are few steps of the process where ocean carriers have not proposed a challenge for agriculture exporters trying to market American goods, and we need the help of the Federal Government in order to begin the recovery and normalization process. Every day, our exporters and our truckers struggle through these challenges. Our harvest season is quickly approaching. Many exporters are very worried as we begin to harvest our crops soon what challenges the market will begin, especially for those with carryover from the 2020 harvest. We need action soon.

As mentioned in the attached proposal from the Agriculture Transportation Coalition, we need to give the FMC the ability to fight for the American shipper. I encourage you to read through their proposal attached, as well as the additional letters regarding the ocean export crisis that I have included in my testimony. I thank you for your time and look forward to a solution soon.

**Attached Documents:**

1. Updated Legislative Action Package by AgTC
2. AgTC Overview: The Current Export Crisis

## Attachment # 1: Updated Legislative Action Package by Agriculture Transportation Coalition

### *Proposed Legislation to Address Ocean Shipping Crisis*

The on-going ocean shipping crisis has created an unsustainable environment threatening US agriculture and forest products exporters, nationwide. Over 150 Members of Congress have expressed their concern in letters to the Federal Maritime Commission, 70+ national agriculture organizations and over 300 agriculture exporters have sought intervention by the Secretaries of Agriculture and Transportation. Click here to see [these letters and a 2 page overview](#) of the crisis and possible avenues to address it.

The founding principal of the Agriculture Transportation Coalition, dubbed by the Journal of Commerce as “the principal voice of agriculture exporters in US transportation policy”, is very much in play today:

“there is nothing in agriculture or forest products that we produce here in the US, that cannot be sourced elsewhere in the world; if we cannot deliver it to our customers affordably and dependably, they will find those other sources. Once we lose a foreign market, it is often not possible to regain it.”

Today, ag exporters are often unable to get carriers to accept their cargo, or are being assessed such extra costs (even those declared unreasonable by the FMC) as to make the sale of ag to be uneconomic:

To address this crisis, the AgTC offers two amendments to the Shipping Act, an Appropriations provision, and a joint initiative to increase the hours of operation of marine terminal gates:

- Page 2. Amendment to gain **enforcement of FMC’s Detention and Demurrage Rule**
- Page 3. Amendment to Prioritize **FMC’s Service to US Exporters, Importers and Others**
- Page 4. Amendment to **Maintain Carriage of US Exports**

**Opening the Ports:** Responding to ocean carrier executives who have identified the relatively limited hours of operation of US marine terminals, the AgTC is reaching out to key stakeholders - ILWU, terminal operators, port authorities to achieve additional gate hours at West Coast ports. This may require Congressional and/or Executive Branch intervention, but we believe can be achieved without legislation.

## **Amendment to gain enforcement of FMC's Detention and Demurrage Rule**

**Explanation:** After several years' investigation, the Federal Maritime Commission found that ocean carriers and terminal operators were unfairly issuing penalties (called demurrage – for leaving a container on a marine terminal longer than allowed, and detention – maintaining possession of a container longer than allowed). Following notice and hearings, the [Interpretive Rule on Demurrage and Detention Under the Shipping Act](#) provided guidance to carriers as to “reasonable” practices, conforming to the Shipping Act.

However, the carriers and terminals have failed to follow that guidance, routinely imposing the demurrage and detention charges (\$175 to \$750/per container per day) cumulatively hundreds of millions of dollars, even greater than the freight charges), often in circumstances where the delay is beyond the control of the shipper (exporter or importer), and thus unreasonable per the FMC Rule. Many shippers are struggling under millions of dollars of such penalty charges.

When the carrier imposes such a charge, the burden falls on the shipper to submit penalty waiver requests to that carrier, explaining why the charge is unreasonable, even though the relevant information (location of the vessel, vessel schedule and notices, cargo cut times, terminal hours, etc.), is the carrier's own operations information. It is extremely burdensome for the shipper to find the data, carriers make submission of complaints difficult, they are frequently rejected by carriers without explanation. Also, while the shipper must pay the charges immediately, carriers can take months to process the requests for waiver, if they do so at all.

The proposed Amendment would require the carriers or terminals to simply confirm, when imposing a detention or demurrage charge, that it complies with the FMC's Rule. Such certification would accompany the charge. There is no requirement that the certification be filed with the Commission. The only certifications the Commission would review would be those a shipper goes to the effort to submit, with Bill of Lading and other information, if it believes that the charge violates the FMC's Rule. The FMC would develop an expedited informal submission process to receive such submissions. Then investigate. If finding the carrier's certification false and in violation of the Rule, Shipping Act penalties would be imposed (in addition to mandating prompt refund of collected charges). The Commission would also have authority to self-initiate investigation of carrier practices in this regard, and apply enforcement measures.

### **Proposed Amendment:**

“The Ocean Shipping Reform Act of 1998, Section 10 Prohibited Acts. Is amended at 46 USC 41104 (a) Common carriers. No common carrier or marine terminal operator, either alone or in conjunction with any other person, directly or indirectly, may --  
(14) invoice any party for detention and/or demurrage charges, unless such invoice is accompanied by a certification by the common carrier that such charge complies with all provisions of 46 CFR 545. The charged party shall include such certification in any complaint to the Commission, under an expedited informal process to be developed by the Commission to receive and investigate such submissions. Should the certification be found to be false, and the carrier not in compliance with the provisions of 46 CFR 545, the carrier shall be subject to penalty as set forth in Section 13 (b)(1) of the Act. The Commission is authorized to self-initiate, without receiving a complaint, investigation of carrier practices in this regard, and undertake enforcement as it deems appropriate, including Section 13 (b)(1) penalties.”

## **Amendment to Prioritize FMC's Service to US Exporters, Importers and Others**

**Explanation:** International ocean shipping is complex, with numerous transactions and documents, some of which serve to facilitate payment and transfer of ownership of the cargo itself, etc. With ocean carrier finance, operations decisions made at overseas headquarters, and customer service functions for most carriers located overseas, the challenge for exporters is to gain cooperation from the ocean carrier to resolve practical (non-policy) problems, such as, for example, finding or replacing a missing document, etc. (which if not recovered timely, threatens the entire sale of the cargo. Or questioning a charge. For most US exporters, importers, freight forwarders, and truckers, CADRS has been the place at the FMC where they can, informally and affordably, without hiring lawyers, have support in gaining a carrier's focus and effort to resolve such problems, in a timely manner. Thus CADRS plays an essential, valued role for the US shipping public (exporters, importers, forwarders, truckers, etc.), which would benefit by additional staffing and authority. This amendment will provide such resources and direction. NOTE: How the funds are appropriated, either as an additional amount above current FMC appropriations, or as a percentage of the total FMC appropriation, is to be determined by the relevant Congressional committees. Following are two options.

### **Proposed Amendment (for Appropriations for Federal Maritime Commission):**

"Office of Consumer Affairs and Dispute Resolution Services (CADRS) shall be provided

\$X in addition to amounts otherwise appropriated to the Federal Maritime Commission

or *(two options for Congress to consider)*

an allocation of not less than 10% of the total annual appropriation to the Federal Maritime Commission.

The funds are to be dedicated to achieve the following functions of CADRS: to protect and advance the interests of US consumers of ocean transportation services provided by MTO's and VOCC's. Such consumers include shippers, OTI's and truckers, for whom CADRS staff shall provide assistance and solve practical problems. The Chairman of the Commission shall provide Reports, every 6 months beginning 6 months after enactment of this provision, to the Appropriations Committees, describing specifically the assistance provided by CADRS to US shippers, OTI's and truckers."

## **Amendment to Maintain Carriage of US Exports**

**Explanation:** Carriers are too frequently declining to carry US exports, in favor of returning to Asia with empty containers, causing significant lost export sales for US agriculture and forest products producers. Today, a lower percentage of containers returning to Asia are loaded with export cargo, while exporters have more cargo they need to ship. According to carriers, they decline export cargo in order to expedite the return of empty containers back to Asia, to quickly load higher value cargo from factories in Asia for the much more lucrative eastbound voyage back to the US. Thus, too often US agriculture/forest products are left stranded here in the US, unable to be delivered to foreign markets. US agriculture exporters are reporting, on average a loss of 22% of sales. While the ocean carriers are private businesses (as are other regulated industries such as airlines, railroads, etc.), recognizing their essential function for US commerce, they have been regulated, to protect the US shipping public (importers and exporters), since 1916. A purpose of The Ocean Shipping Reform Act of 1998 is set forth in Section 2 (4): “to promote the growth and development of United States exports through competitive and efficient ocean transportation....”

### **Proposed Amendment:**

“The Ocean Shipping Reform Act of 1998, Section 10 Prohibited Acts is amended by adding at 46 USC 41104 (a) Common carriers. No common carrier, either alone or in conjunction with any other person, directly or indirectly, may -- unreasonably decline export cargo bookings if such cargo can be safely and timely loaded and carried on vessels scheduled for that cargo’s destination. Violation of this provision shall be subject to penalty as set forth in Section 13 (b)(1) of the Act.”

## Attachment # 2: Agriculture Transportation Coalition Overview: The Current Export Crisis

Twenty-five years ago, 20+ ocean carriers carried containerized US imports and exports. Today, that number is down to 10, in some key trade routes for export cargoes (refrigerated, etc.) only one carrier serves that route. US exporters do not have many choices, they are completely dependent on these carriers to deliver our ag and forest products to overseas customers. Currently, these carriers are frequently declining to carry US export cargo, and when they do, they continue to impose very large additional charges, even though deemed unreasonable by the Federal Maritime Commission.

Since last summer, import cargo has been flooding into the US, in unprecedented volumes. The import volumes overwhelm marine terminals at our ports, delaying ship arrivals, loading, unloading, due to:

- congestion in and around the terminals
- unlike foreign ports, ours are not fully operational 24/7
- terminals so full they cannot accept the return of emptied containers, or containers loaded with exports
- lack of sufficient labor and automation to allow the marine terminals to load/unload efficiently
- lack of information as to locations of containers, the times when they are available
- ocean carriers' failure to provide accurate notice of arrival and departure
- lack of appointments for truckers to enter terminal gates to retrieve import containers, or bring in containers with export cargo, or empty containers
- ocean carrier+chassis company agreements causing chassis shortages at inland and port terminals.
- lack of capacity of near-port distribution centers to accept/process massive volumes of import cargo.

### Demurrage and Detention – FMC Intervenes Against Unreasonable Ocean Carrier and Marine Terminal Practices

Ocean carriers are charging truckers, importers and exporters daily fees, known as “**detention**” or “**per diem**”, when they do not return the carrier’s container to the terminal within the time allotted under the contract of carriage. The carriers and marine terminals also charge “**demurrage**” when the trucker or shipper does not remove an import container from a terminal quick enough, or returns the container to the terminals before the terminal wants it. (Exporters are frequently stymied from moving containers to the ships by the carriers’ and terminals’ own actions.) These charges are now, in aggregate, in the hundreds of millions of dollars. Most disconcerting, the carriers and terminals are charging these fees (\$125 to \$425/container/day) even when *it is not possible* for the truckers or shipper to actually access the terminal to return or retrieve the container. These fees are jeopardizing the financial viability of exporters and importers.

These charges have become so egregious that after 2 year investigation, the [Federal Maritime Commission issued a Rule](#) providing carriers and terminals guidance as to what would be reasonable demurrage and detention practices. To date the terminals and carriers have failed to implement these reasonable practices, thus continuing to collect millions of dollars of extremely burdensome and unfair charges. We now seek to have those unreasonable practices stopped; if the FMC cannot, shipper groups are proposing legislation to statutorily prohibit these practices.



## Limited US Port Operations Creating Congestion and Delay

The Presidents of some ocean carriers have pointed to the limited hours of terminal gate operations at US ports, as a primary reason that carriers are unable to maintain schedule integrity, and thus congestion, as the terminals are unable to handle the massive volumes of imports, arriving on the mega-ships. Worldwide ports operate 24/7, while US terminal gates operate 5 days a week, fewer than 12 hours daily. Currently an expanding coalition led by agriculture exporters and labor, is working to dramatically increase these hours, which may require Congressional persuasion.

## Stranding US Exports

Historically, containers filled with imports (i.e., consumer goods, auto and manufacturing components) are railed east – particularly Chicago, Memphis, Kansas City, Dallas. Then once unloaded, the empty containers (which must eventually be returned to the West Coast ports to return to Asia) are filled with ag export cargoes; many of the containers must be ‘repositioned’ (by truck or rail) to the rural ag origin points, for loading, before proceeding back to the West Coast ports. [NOTE: the same process occurs for containers bringing imports to East Coast or Gulf ports. However, the port dysfunction, carrier demurrage/detention charges, while significant at some East Coast ports, has not been as pronounced as at West Coast ports.]

Freight rates for imported cargo (consumer goods/manufacturing components) are higher (reflecting the high value of that cargo) than freight rates for our US exports (ag and forest products which typically are valued far less). With the current eCommerce economy, the volume of imports is so great that every container, on every ship is in demand for cargo moving eastbound Pacific. Currently freight charges from Asia to the US have been driven as high as \$10,000 or \$12,000 per container. Compare this to the export container carrying ag and forest products back to Asia, earning \$400 to \$1,800 freight charges.

Now, instead of letting a container move inland to be loaded with ag and forest products (often in rural areas), ocean carriers are declining that export cargo, in favor of immediately returning empty containers to Asia in order to quickly load US-bound imports which command unprecedented high freight revenue. Stranding our agriculture exports here in the US, making it impossible to deliver timely to foreign customers.

Exporters have hundreds of documented instances of ocean carriers declining or cancelling export bookings, often at the last minute, after the cargo is loaded in a container, already on train to the ports. Some carrier communications explicitly say their HQ want the containers back to Asia....not to accept US westbound (export) freight.

The data shows this is a broad and continuing trend. It is not a matter of a shortage of containers, because the containers are on the ships heading back to Asia; however, so many are empty. Typically, about 65%+ of containers on a ship leaving US ports for Asia will be loaded with cargo. Today the number is often much lower, 50% or less, because carriers continue to turn down the export cargo that could be filling those containers. This CNBC article provides data and insight: <https://www.cnbc.com/2021/01/26/shipping-carriers-rejected-us-agricultural-exports-sent-empty-containers-to-china.html>

### **What Can FMC or Congress Do? Steps Worth Considering:**

- a. Adopt the FMC's Detention/Demurrage Rule as statutory requirements; carrier/terminal must certify compliance as prerequisite to any demurrage or detention charge imposed on an importer or exporter.
- b. Prohibit carriers from refusing or cancelling export bookings when the ship has capacity to safely carry export cargo. Burden of proof (to show lack of capacity) shall be on the carrier.
- c. Establish and fund the FMC's Office of Consumer Affairs & Dispute Resolution Services (CADRS) to assist and protect the interests of US consumers (shippers, OTI's and truckers) of the ocean transportation services provided by MTO's and VOCC's.
- d. Convene the parties to begin full 24/7 operation of ports (including gates).
- e. Ocean carriers prohibited from entering into agreements that restrict availability of container chassis.
- f. Mandate that ocean carriers provide and update accurate Earliest Return Date, so exporter can know when to return container to terminal.